

January 10, 2023

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 10th day of January, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Deputy Clerk Amber Wilson, Town Attorney Stephen Kiely and approximately 5 persons were also present.

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

Salute to Flag.

Town Justice Stanley Birnbaum administered the oath of office to the newly elected Town Official Mary Faith Westervelt.

RESOLUTION NO. 1

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

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

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

BE IT FURTHER RESOLVED, That Supervisor Gerard F. Siller, Councilwoman Amber Brach-Williams, Councilwoman Margaret Ann Larsen, Councilman James Colligan and Councilman Barbara Jean Ianfolla 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 Shelby Mundy are hereby authorized to make transfers of the Town funds amongst the designated banks.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 2

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

“Whereas”, The designation of two newspapers as the official papers of the Town is required by statute, now, Therefore

BE IT RESOLVED, That the Shelter Island Reporter and Newsday are hereby designated as the official newspapers of the Town of Shelter Island for the year of 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 3

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

“Whereas”, The Town of Shelter Island has heretofore established a Town of Shelter Island Purchasing Policy and Procedures which was effective April 1, 2014, and amended on February 8, 2019, and

“Whereas”, The last sentence of said policy states as follows: This policy shall go into effect on April 1, 2014, and will be reviewed annually, and

“Whereas”, The Town Board has reviewed the aforementioned, and suggested no amendments, now, Therefore

BE IT RESOLVED, That said policy dated April 1, 2014 is hereby approved and adopted for the year 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 4

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

“Whereas”, Pursuant to Resolution No. 182 – 2006, dated March 10, 2006, the Town Board adopted an investment policy for the Town of Shelter Island, and

“Whereas”, Said policy has been reviewed and amended, now, Therefore
BE IT RESOLVED, That the Town Board hereby adopts a new Investment Policy for the
Town of Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 5

Councilman Ianfolla offered the following resolution, which was seconded by Council-
woman Larsen, 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 ninety 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 ninety
days after the close of the fiscal year, a copy of the report to the state comptroller required by sec-
tion thirty of the general municipal law.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 6

Councilwoman Larsen offered the following resolution, which was seconded by Council-
man Colligan, to wit:

BE IT RESOLVED, That Town officials and employees will be reimbursed, subject to au-
dit, at the rate of \$.655 per mile for their mileage on Town business for the year 2023, 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 pro-
fessional meetings which will enhance their job skills, and

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 7

Councilman Colligan offered the following resolution, which was seconded by Supervisor
Siller, 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:

2023 Standard Work Day Elected and Appointed Positions

Title	Standard Work Day
<u>Elected Positions</u>	
Town Clerk	7-hour day
Supervisor	8-hour day
Town Board Members	6-hour day
Town Justice	6-hour day
Assessor	7-hour day
Receiver of Taxes	6-hour day
Highway Superintendent	8-hour day
<u>Appointed Positions</u>	
Town Attorney	8-hour day

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Members, Zoning Board of Appeals	6-hour day
Members, Planning Board	6-hour day
Deputy Town Clerks	7-hour day
Confidential Secretary to Supervisor	6-hour day
Confidential Secretary to Highway Superintendent	7.6-hour day.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 8

Supervisor Siller offered the following resolution, which was seconded by Councilwoman

Brach-Williams, to wit:

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

“Whereas”, Applications have been filed by Jennifer Beresky, Stanley Birnbaum, Barbara Bloom, Amber Brach-Williams, James Colligan, BJ Ianfolla, Stephen Kiely, Kenneth Lewis, Judy Meringer, Michael Mitchel, Shelby Mundy, Aidan Mysliborski, Annmarie Seddio, Gerard Siller, MaryFaith Westervelt and Kelly Brochu, 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 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 9

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

“Whereas”, The Town Board desires to ensure the consistency of the terms and conditions between the two full time Harbor Masters I (formerly known as Bay Constables), now, Therefore

BE IT RESOLVED, That the Town Supervisor is hereby authorized to execute any and all necessary documents to achieve such consistency.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 10

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Brian Sherman is hereby appointed to serve as Commissioner of Public Works for the year 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 11

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

BE IT RESOLVED, That David W. Clark is hereby appointed to serve as Safety & Training Officer for the Shelter Island Highway Department for the year of 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 12

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, 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 for the year of 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 13

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

BE IT RESOLVED, That Giovanna Ketcham, Tracy Gibbs, Deborah Brewer, Linda D. Cass, and Lauren Sanwald are hereby appointed to serve as Part Time Custodian for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 14

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

BE IT RESOLVED, That William Clark, III is hereby appointed to serve as Town Historian for the year 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 15

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Thomas Cronin and Andrew Chapman are hereby appointed to serve as Part Time Laborers for the Residential Repair Program for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 16

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

BE IT RESOLVED, That Greg Raymond, Tom Hashagen and Donald Dunning are hereby appointed to serve as part time Maintenance Mechanic I for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 17

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

BE IT RESOLVED, That Kelly Brochu is hereby appointed to serve as provisional Senior Citizens Center Manager, retroactive to January 1, 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 18

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

BE IT RESOLVED, That Sara Mundy is hereby appointed to serve as Senior Citizen Aide I for the year 2023, to be paid as per 2023 amended budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 19

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

BE IT RESOLVED, That Laurie Fanelli is hereby appointed to serve as Senior Citizens Aide II for the year 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was there upon declared duly adopted.

RESOLUTION NO. 20

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Karen Bennett is hereby appointed to serve as part time Senior Citizens Office Assistant for the year 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 21

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

BE IT RESOLVED, That Donna Cass, David Binder, and Mary Ann McGinn are hereby appointed to serve as part time AAA Driver for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 22

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

BE IT RESOLVED, That Heather Lee is hereby appointed to serve as part time Mini Bus

Driver for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 23

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

BE IT RESOLVED, That Giovanna Ketcham is hereby appointed to serve as part time Cook for the Silver Circle for the year 2023, to be paid as per budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 24

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

BE IT RESOLVED, That Donna King and Donna Cass are hereby appointed to serve as part time Therapeutic Activities Workers for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 25

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Leon Creighton is hereby appointed to serve as part time Cook for the Nutrition Program for the year of 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 26

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

BE IT RESOLVED, That Carl Cosby is hereby appointed to serve as full time Head Cook for the Nutrition Program for the year of 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was there upon declared duly adopted.

RESOLUTION NO. 27

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

BE IT RESOLVED, That Alison Binder is hereby appointed to serve as part time Food Service Worker for the Nutrition Program for the year 2023, to be paid as per the 2023 budget.

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Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 28

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

BE RESOLVED, That Blanca Frausto is hereby appointed to serve as full time provisional Tax Receiver Clerk for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 29

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

BE IT RESOLVED, That Catherine Rasmussen, Tracy Gibbs, John Spinelli, Beau Payne, Amanda Gutiw and Arthur Bloom are hereby appointed to serve as part time Detention Attendant for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 30

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That John Spinelli is hereby appointed to serve as part time Court

Officer for the year 2023, to paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 31

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

BE IT RESOLVED, That Peter Vielbig and John Mahoney are hereby appointed to serve as part time Harbor Master I for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 32

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

BE IT RESOLVED, That Catherine Rasmussen is hereby appointed to serve as part time School Crossing Guard for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 33

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

BE IT RESOLVED, That Emily Kraus is hereby appointed to serve as full time Assistant Recreational Leader/ FIT Manager for the year of 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 34

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

BE IT RESOLVED, That Deborah Brewer, Kate Davison, Katie Potter, Kelsey Lechmanski, Cathy Rasmussen and Sara Mundy are hereby appointed to serve as part time Assistant Recreational Leader for the year of 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 35

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Deborah Brewer, Julia Weisenberg, Lindsay Rando, Peter Miedema, Katie Potter, Trent Firestine, Alex Binder, Kelsey Lechmanski, Kyle Burns, Cori Cass, and Dawn Harris are hereby appointed to serve as part time Recreational Aide for the FIT program for the year of 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 36

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

BE IT RESOLVED, That Peter Miedema, Callie Smith, and Catherine Brigham are hereby appointed to serve as part time Recreation Specialist Instructor for the year of 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 37

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

BE IT RESOLVED, That Michael DeSanctis is hereby appointed to serve as full time provisional Building Inspector for the year of 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 38

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit

BE IT RESOLVED, That Kathleen Reilly is hereby appointed to serve as full time provisional Building Department Office Assistant for the year of 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 39

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

BE IT RESOLVED, That Kathleen Reilly is hereby appointed to serve as Clerk for the Home Improvement Contractor License Board for the year of 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 40

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Michelle Congdon is hereby appointed to serve as part time Justice Court Clerk for the year 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 41

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

BE IT RESOLVED, That Kristina Martin Majdisova is hereby appointed to serve as Clerk to the following committees: Zoning Board of Appeals, Board of Ethics, Capital Planning and Grants Committee, and Waterways Management Advisory Committee.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 42

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

BE IT RESOLVED, That Coco Lee Thuman is hereby appointed to serve as Clerk to the following committees: Community Preservation Fund Advisory Board, Board of Assessment Review, Water Advisory Committee, Water Quality Improvement Advisory Board, Emergency Medical Services Advisory Board, Community Housing Board, Comprehensive Plan Advisory Committee and Media Department Personnel.

Vote:5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 43

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Brach-Williams:

WHEREAS, on December 17, 2022, the Office of the Town Clerk became vacant upon the resignation of Dorothy S. Ogar;

WHEREAS, pursuant to New York State Town Law Section 64(5) the Town Board is authorized to fill vacancies in town offices by appointment; now, therefore

BE IT RESOLVED, retroactive to January 1, 2023, Amber Wilson shall be appointed to the position of Town Clerk, Records Officer and Registrar of Vital Statistics, for the Town of Shelter Island, at a salary as per the 2023 Adopted Budget, until December 31, 2023, after which the position will be filled by the winner of the November 7, 2023, general election.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 44

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

BE IT RESOLVED, That Supervisor Gerard F. Siller, Councilmen James Colligan,

Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Ann Larsen are hereby appointed to serve as Police Commissioners for the year 2023.

RESOLUTION NO. 45

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Councilwoman Amber Brach-Williams is hereby appointed to serve as Deputy Supervisor for the year 2023, to be paid as per the 2023 budget.

Councilwoman Brach-Williams abstained

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Brach-Williams abstained)

The resolution was thereupon declared duly adopted

RESOLUTION NO. 46

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

BE IT RESOLVED, That Judy Meringer is hereby appointed to serve as Confidential Secretary to the Supervisor for the year 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 47

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, 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 2023, to be paid as per the 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 48

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

BE IT RESOLVED, That Dr. Joshua Potter is hereby designated to serve as Town Medical Director for the year 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 49

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

BE IT RESOLVED, That Alexandra Hakim is hereby appointed to serve as part time Town Social Worker, retroactive to January 3, 2023, to be paid as per 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 50

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, 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 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor designated the following Committee representatives and Liaisons, to wit:

Capital Planning and Grants	Councilman Colligan & Councilwoman Brach-Williams
Community Housing Board	Councilwoman Brach-Williams & Supervisor Siller
Community Preservation Fund	Supervisor Siller & Councilman Ianfolla
Comprehensive Plan	Councilman Ianfolla & Councilwoman Larsen
Planning Board	Councilwoman Larsen & Councilwoman Brach-Williams
Water Advisory Committee	Councilman Ianfolla & Councilwoman Larsen
Waterways Management Advisory Council	Councilman Colligan & Councilman Ianfolla
Water Quality Improvement Advisory Board	Councilwoman Brach-Williams & Councilman Ianfolla

West Neck Water	Councilwoman Brach-Williams & Councilwoman Larsen
Contractor Review Board	Councilman Ianfolla & Councilwoman Larsen
Zoning Board of Appeals	Councilwoman Brach-Williams & Councilwoman Larsen
Conservation Advisory Council	Councilman Colligan
Deer & Tick Committee	Councilman Colligan & Supervisor Siller
EMS Advisory Board	Councilwoman Brach-Williams
Green Options Advisory Board	Councilwoman Larsen & Supervisor Siller
Ferry Study Group	Supervisor Siller
Taylor's Island	Councilman Ianfolla & Supervisor Siller
FIT/Recreation	Councilman Colligan
Highway & Public Works	Supervisor Siller
Waterways Committee	Councilman Colligan & Councilman Ianfolla
Safety	Town Attorney Kiely
Shoreline Access Task Force	Councilman Colligan & Supervisor Siller
Buildings & Grounds	Supervisor Siller
Recycling	Supervisor Siller
Financial Advisory Committee	Councilwoman Brach- Williams & Supervisor Siller
Senior Citizens/Center	Councilwoman Larsen & Supervisor Siller
Transportation	Councilman Colligan
IT Committee	Councilwoman Brach- Williams
Media Committee	Councilwoman Brach- Williams
Shelter Island Country Club	Councilman Colligan
Peconic Estuary Partnership	Councilman Colligan
Health and Wellness Alliance	Councilman Colligan
Airfield Liaison	Councilwoman Brach-Williams

At 1:40 p.m., on motion of Supervisor Siller and seconded by Councilman Colligan, the Organizational Meeting was adjourned.

Amber Wilson
Town Clerk

January 10, 2023

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 January, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Clerk Amber Wilson, Town Attorney Stephen Kiely and approximately 18 persons were also present.

The Supervisor called the meeting to order at 6:00 p.m.

Salute to flag.

Correspondence included the following:

1. Letter from Bonstrom & Murphy, Connie Fischer and Pam Demarest regarding the Ram's Head Inn Dock application.

RESOLUTION NO. 51

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

"Whereas", Shorewood Farms Inc., Seagull Road, has petitioned the Town of Shelter Island to maintenance dredge approximately 1,000 yards from the basin entrance, to a depth of 6' below mean water, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:10 p.m., prevailing time, on the 31st day of January, 2023, 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. 52

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

“Whereas”, Peter Levenson, 23 Winthrop Road, has petitioned the Town of Shelter Island
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to replace existing dock boards on section of dock, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:10 p.m., prevailing time, on the 28th day of February, 2023, 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. 53

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

“Whereas”, William Cummings & Bernt Heiberg Svenby, 10 Thompson Road have petitioned the Town of Shelter Island to construct new set of lower stairs with three platforms, construct a 4’ x 30’ catwalk, supply and install a 3’ x 15’ aluminum ramp leading onto a 6’ x 12’ floating dock with a 6’ x 20’ “L” secured with three anchor piles, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:12 p.m., prevailing time, on the 28th day of February, 2023, 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. 54

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

“Whereas”, Emmet McCann, 12 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.061525° north and longitude 72.358370° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:14 p.m., prevailing time on the 28th day of February, 2023, for all interested persons to be heard in favor of or opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 55

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

“Whereas”, Alphanest LLC, 44 Gardiners Bay Drive, has petitioned the Town of Shelter Island for a special permit for the redevelopment of residential property to result in single family dwelling, accessory pool house with sleeping and conditioned storage, now, Therefore

BE IT RESOLVED, That pursuant to the Zoning Code of the Town of Shelter Island, a public hearing will be held at 6:16 p.m., prevailing time on the 28th day of February, 2023, 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. 56

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

“Whereas”, Christian Johnson, 14 Manwaring Road, has petitioned the Town of Shelter Island for a special permit to construct a 60’ x 40’ barn with open porch and car port on developed property, new building to have no potable water or sanitary service, now, Therefore

BE IT RESOLVED, That pursuant to the Zoning Code of the Town of Shelter Island, a public hearing will be held at 6:18 p.m., prevailing time, on the 28th day of February, 2023, for all interested persons to be heard in favor of or opposition to proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 57

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

“Whereas”, North Ferry, 12 Summerfield Place, has petitioned the Town of Shelter Island for a special permit to replace and elevate east shore side ramp support structure and repave approaching area, now, Therefore

BE IT RESOLVED, That pursuant to the Zoning Code of the Town of Shelter Island, a public hearing will be held at 6:22 p.m., prevailing time on the 31st day of January, 2023, 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. 58

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

“Whereas”, The Association of Towns meetings are to be held in New York City on February 19 - 22, 2023, and

“Whereas”, it is required by the Association of Towns to register persons who anticipate attending the Association of Towns’ meeting in New York City in February 2023, and

“Whereas”, Certain Town Officials have expressed their desire to attend said meeting, and

BE IT FURTHER RESOLVED, That Supervisor Gerard F. Siller is hereby authorized to represent the Town of Shelter Island in voting in the Association meeting, and

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

BE IT FURTHER RESOLVED, That the transportation allowance for Town officials is hereby set at \$38.00 for each way per official for bus fare and \$4.00 additional per official for ferry fare.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 59

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

BE IT RESOLVED, That the following 2023 budget modification is hereby approved: \$200.00 increase to the A2705SR Senior Center Donations revenue account, and \$200.00 increase to the A6777.497 Senior Center Program Providers account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 60

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the following budget transfers are hereby approved; \$2,677.63 from A1990.400 Contingency to A3510.100 Animal Control Officer, \$1,963.60 from A1990.400 Contingency to A3120.100PS Police Personnel Services, \$355.00 from A1990.400 Contingency to A9030.800 Social Security, \$26,900.00 from A1990.400 Contingency to A6777.140 Senior Center Program Supervisor, \$2,058.00 from A1990.400 Contingency to A9030.800 Social Security, \$11,900.00 from A6772.144 Nutrition Part Time Clerk to A6772.140 Nutrition Program Supervisor, \$8,100.00 from A6772.144 Nutrition Part Time Clerk to A6777.140 Senior Center Program Supervisor, \$632.48 from B1990.400 Part Town Contingency to B3620.103 McGayhey, \$94.87 from B1990.400 Part Town Contingency to B3620.105 McGayhey longevity, \$632.48 from B1990.400 Part Town Contingency to B8010.103 McGayhey, and \$94.87 from B1990.400 Part Town Contingency to B8010.105 McGayhey longevity.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 61

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$7,371.00 from the 2023 A1910.400 Unallocated Insurance to Edgewood Partners Insurance Center, PO Box 2445, Indianapolis, IN 46206-2445 for policy # B5JH03611 CL General Liability renewal, policy period 01/01/2023 to 01/01/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 62

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$24,013.00 from the 2023 A1910.400 Unallocated Insurance to Edgewood Partners Insurance Center, PO Box 2445, Indianapolis, IN 46206-2445 for policy # MPOTSHI001 CL Directors & Officers renewal, policy period 01/01/2023 to 01/01/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 63

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$60,495.44 from the 2023 A1910.400 Unallocated Insurance to Edgewood Partners
January 10, 2023 – continued

Insurance Center, PO Box 2445, Indianapolis, IN 46206-2445 for policy # MPLTSHI001 CL Package renewal, policy period 01/01/2023 to 01/01/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 64

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$53,373.20 from the 2023 A1910.400 Unallocated Insurance to Edgewood Partners Insurance Center, PO Box 2445, Indianapolis, IN 46206-2445 for policy # MCATSHI001 CL Automotive renewal, policy period 01/01/2023 to 01/01/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 65

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$25,260.40 from the 2023 A1910.400 Unallocated Insurance to Edgewood Partners Insurance Center, PO Box 2445, Indianapolis, IN 46206-2445 for policy #MECTSHI001 CL Excess Liability renewal, policy period 01/01/2023 to 01/01/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 66

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Colligan:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$20,467.70 from the 2023 A1910.400 Unallocated Insurance to Edgewood Partners Insurance Center, PO Box 2445, Indianapolis, IN 46206-2445 for policy # MIMTSHI001 CL Inland Marine renewal, policy period 01/01/2023 to 01/01/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 67

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$1,868.00 from the 2023 A1910.400 Unallocated Insurance to Edgewood Partners Insurance Center, PO Box 2445, Indianapolis, IN 46206-2445 for policy # SRG0009131484B EB – GRP Accident/Health renewal, policy period 01/01/2023 to 01/01/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 68

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$26,020.50 from the 2023 A1910.400 Unallocated Insurance to Edgewood Partners Insurance Center, PO Box 2445, Indianapolis, IN 46206-2445 for policy #MLETSHI001 CL General Liability renewal, policy period 01/01/2023 to 01/01/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 69

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$3,600 from the A7020484 Recreation Office & Misc. account for the Rec Desk annual subscription to RecDesk LLC, 300 Plaza Middlesex, Middletown, CT 06457.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 70

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$32,442.00 from the EMS Capital Reserve Account for the 2018 Dodge Ambulance Stryker power load and supply kit to Hendrickson Fire Rescue Equipment, Islandia, NY 11749.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 71

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$892.50 from the 2023 A1330.476 Tax Receiver computer software account for the iTax web portal maintenance to Edmunds GovTech, 301 Tilton Road, Northfield, NJ 08225.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 72

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$3,760.50 from the 2023 A8160.484 Recreation Office & Misc. account for the annual renewal of SMS support and maintenance to Creative Information System, INC, 27 Lowell St, Manchester, NH 03101

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 73

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$1,466.10 from the 2023 A3989.400 NIMS Contractual account for the annual renewal of Code Red.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 74

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$7,238.38 from the 2023 A3120.491 Police Dept Contracts account for the annual renewal of Law Enforcement Supplemental Manuals to Lexipol LLC, 249 Fifth Avenue, Pittsburgh, PA 15222.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 75

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to sign the agreement between Penflex Service Awards and the Town of Shelter Island for the preparation of the GASB 73 package for the volunteer ambulance awards program, fiscal year ending December 31, 2022.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 76

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

BE IT RESOLVED, That 2022 general claims numbered 2077 through 2220 in the amount of \$91,617.10; 2022 highway claims 247 through 270 in the amount of \$43,616.52; are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 77

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

BE IT RESOLVED, That the 2023 general claims numbered 1 through 12 in the amount of \$1,381.83 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 6:16 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 and Tara Coniaris, 82 Gardiners Bay, for permission to remove approximately 790 s.f and 452 s.f areas of remaining, eroded upland soils adjacent to existing retaining wall (to be placed landward of retaining wall and/or trucked offsite) for purpose of installing approximately 104 l.f. of 0.1 – 3.175- ton stone armor (max. 2.5 tons/l.f) along seaward toe of existing retaining wall; cover proposed stone armor/re-nourish approximately 15’-20’ wide, 1,910 s.f. area seaward of retaining wall with approximately 53 c.y of clean sand fill, trucked in from an upland approved source, to be planted with Cape American beach grass (18” o.c) and stabilized along seaward toe with 12” diameter coir log; and remove and replace, in-kind, in-place, +4’ x 8’ wood steps to beach, all as depicted on the engineering plans prepared by RACE Coastal Engineering.

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

Robert Herrmann was present for the applicant via zoom.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the hearing closed at 6:20 p.m., and called to order the public hearing to be held as advertised on the application of Donna Walker, 7 Little Ram Island Drive, for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.076355° north and longitude 72.308522° west.

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

The Supervisor called for the report of the Waterways Committee of the Town Board, which was as follows: WMAC met on December 5th. The application is a seconded riparian therefore, both boats become private and boat specific. 6-0 vote in favor of the Walker 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 hearing closed at 6:21 p.m., and called to order the public hearing to be held as advertised on the application of Larry and Sally Winston, 3 Little Ram Island Drive, for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.075507° north and longitude 72.307204° west.

The Supervisor called for the report of the Waterways Committee of the Town Board, which was as follows: WMAC changed the coordinates to bring it closer to applicants dock. WMAC approved the application with the corrected coordinates: 41.075771° north and - 72.307660° west.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the hearing closed at 6:22 p.m. and called to order the public hearing to be held as advertised on the application of Isar River Trust, 149 North Ram Island Road, to finish an existing basement and convert to habitable space with living room area, bedroom, bathroom, gym and game room.

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

Karen Hoeg from Twomey and Lathan was present for the applicant.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor adjourned the meeting until February 28th, pending the report from the Conservation Advisory Council and Planning Board. At 6:26 p.m., the Supervisor called to order the public hearing on the proposed Local Law Amending Chapter 51 entitled “Community Housing.”

Councilwoman Brach-Williams read summary of proposed Local Law.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the hearing closed at 6:27 p.m., and reconvened the Ram’s Head Inn dock application.

Supervisor Siller and Town Attorney Kiely recused themselves pending a litigation matter regarding the aforementioned application.

Andrea Carter was present for the application.

After a lengthy discussion, many expressed views for and against the proposed application.

Councilwoman Brach-Williams declared the hearing closed at 7:56 p.m., and reconvened the regular meeting.

RESOLUTION NO. 78

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

“Whereas” A public hearing was duly held on the 10th day of January, 2023, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled “Local Law amending Chapter 51, entitled Community Housing”, now, Therefore

BE IT RESOLVED, That the Town Board does hereby adopt Local Law No. 1 - 2023 entitled “Community Housing”, to wit:

LOCAL LAW NO. 1 of 2023

A LOCAL LAW amending Chapter 51, entitled “Community Housing”, Article III “Community Housing Board established” to increase the membership of the Community Housing Board from 5 to 7 members and remove the term inconsistency

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

Section 1. Legislative Intent.

The Town Board finds that an increase in the membership of the Community Housing Board, back to the original 7 from 5, would benefit same by allowing for the inclusion of representation from different segments of the community such as environmentalists, persons in construction, real estate, finance, housing advocacy, and recipients of housing assistance. Further, the term was increased from 4 to 5 years in 2019, and there is a conflicting section that refers to a 4-year term that has to be removed.

Section 2. Amendment.

Section 51-5 of the Shelter Island Code Chapter 51 (Community Housing, Article III (Community Housing Board)) is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 51-5. Community Housing Board established.

A.

The Town Board hereby formally establishes a Community Housing Board (CHB) to review and make recommendations regarding community housing. This Board supplants the efforts of the former Community Housing Commission. This Board ~~will consist of seven residents of the Town who~~ shall serve without compensation. No member of the Town Board, Planning Board or Zoning Board of Appeals shall serve on the Community Housing Board. Membership will include a broad representation from the community, such as landowners, persons with skill and knowledge about the environment, real estate, finance, and building. The Town Board may also seek members who are or have been recipients of housing assistance. ~~Board members shall each have a term of four years.~~ The Community Housing Board shall be composed of ~~five~~ seven members to be appointed by the Town Board, with the following initial terms and thereafter to be five-year terms: one member for one year, one member for two years, one member for three years and one member for four years, and one member for five years.

Section 4. Authority.

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

Section 5. Severability.

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

Section 6. Effective Date.

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to increase the membership of the Community Housing Board from 5 to 7 so as to increase diversity within same. Further, to cure an error in the Code that speaks to a 4-year term when the term is 5 years.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 79

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

"Whereas", Donna Walker, 7 Little Ram Island Drive, has petitioned the town for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.076355° north and longitude 72.308522° west, and

"Whereas", A public hearing was held on the 10th day of January, 2023, for all interested persons to be heard in favor of or opposition to the proposed transfer, now, Therefore

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 80

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

"Whereas", Jeffrey and Tara Coniaris, 82 Gardiners Bay, have petitioned the Town of Shelter Island for permission to remove approximately 790 s.f and 452 s.f areas of remaining, eroded upland soils adjacent to existing retaining wall (to be placed landward of retaining wall and/or trucked offsite) for purpose of installing approximately 104 l.f. of 0.1 – 3.175- ton stone armor (max. 2.5 tons/l.f) along seaward toe of existing retaining wall; cover proposed stone armor/re-nourish approximately 15'-20' wide, 1,910 s.f. area seaward of retaining wall with approximately 53 c.y of clean sand fill, trucked in from an upland approved source, to be planted with Cape American beach grass (18" o.c) and stabilized along seaward toe with 12" diameter coir log; and remove and replace, in-kind, in-place, +4' x 8' wood steps to beach, all as depicted on the

engineering plans prepared by RACE Coastal Engineering, and

"Whereas", a public hearing was duly held on the 10th day of January, 2023, 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.

The Supervisor opened the regular meeting to the public. There being no comments, at 8:05 p.m., the Supervisor made a motion to close. Motion was seconded by Councilman Colligan.

Amber Wilson
Town Clerk

January 31, 2023

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 January, 2023. Town Board members present were, Councilmen James Colligan and Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Clerk Amber Wilson, Town Attorney Stephen Kiely and approximately 15 persons were also present.

The Supervisor called the meeting to order at 6:00 p.m.

Salute to flag.

Correspondence included the following:

1. Pam Demarest regarding Ram's Head Inn dock application

Deputy Supervisor read the Supervisor's Report

RESOLUTION NO. 81

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

"Whereas", a vacancy exists on the Board of Ethics, and

“Whereas”, The Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That Laura Cunningham is hereby appointed to serve as a member on the Board of Ethics for the Town of Shelter Island.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 82

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

“Whereas”, a vacancy exists on the Conservation Advisory Council, and

“Whereas”, The Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That Ulrich Armbrust is hereby appointed to serve as a member on the Conservation Advisory Council, for a 2-year term to expire on January 31, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 83

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

BE IT RESOLVED, That Mallory Clark, is hereby appointed to serve as part time Temporary Leave Replacement Office Assistant, for the year 2023, at the rate of \$28.00 per hour, retroactive to January 4, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 84

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

“Whereas”, Vacancies exists on the Community Housing Board, and

“Whereas”, The Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That Mark Mobius, David Doyle and William Mastro are hereby appointed to serve as a members of Community Housing Board for a 5 year term to expire on January 31, 2028.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 85

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

“Whereas”, Karen Feuer, 142G North Ferry Road, has petitioned the Town of Shelter Island for permission to complete an existing dock that was repaired and subsequently rebuilt without a permit, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:20 p.m., prevailing time, on the 28th day of February, 2023, for all interested persons to be heard in favor of or opposition to the proposed construction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 86

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

“Whereas”, Josh Sapan, 22 Prospect Avenue, has petitioned the Town of Shelter Island for permission to construct a 5’ x 30’ ramp leading to a 5’ x 100’ fixed dock with a 5’ x 30’ “L” at the offshore end, construct a 4’ x 30’ lowered platform, installation of two 7-pile dolphins on west side and one 2-pile dolphins on the east side of the dock, install a 65’ of splashboard system, and provide water and electric to offshore end of dock.

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:22 p.m., prevailing time, on the 28th day of February, 2023, for all interested persons to be heard in favor of or opposition to the proposed construction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 87

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

“Whereas”, James and Cheryl Keller, 56A Cartwright Road, have petitioned the Town of Shelter Island for a wetlands permit for permission to add addition and renovate existing dwelling. New work includes removal of existing septic and decking from vegetative buffer, reconstruct existing deck and add 84 sq. ft. of new deck in vegetative buffer, reconstruct 759 sq. ft. of first floor in ARA, 301 sq. ft. in vegetative buffer, new 166 sq. ft. second floor in ARA, reconstruct 301 sq. ft. first floor and add 89 sq. ft. in vegetative buffer.

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 6:24 p m., prevailing time, on the 28th day of February, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 88

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

“Whereas”, Kathryn and Theodore Bucci, 104 South Ferry Road, have petitioned the Town of Shelter Island for a wetlands permit for permission to construct an in-ground swimming pool and patio partially within the regulated area. All new construction will be greater than 80’ from flagged wetlands boundary of manmade pond on sire. New pool will include automatic over, cartridge filter and salt cell or ozone disinfection.

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 6:26 p. m., prevailing time, on the 28th day of February, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 89

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

“Whereas”, Larry and Sally Winston, 3 Little Ram Island Drive, have petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.075507° north and longitude 72.307204° west, and

“Whereas”, a public hearing was duly held on the 10th day of January, 2023, 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 at a location designated as latitude 41.075771° north and longitude - 72.307660° west, as per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 90

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

WHEREAS RAM’S HEAD INN, LLC, (“Applicant”) has petitioned the Town of Shelter Island for permission, at the property located at 108 Ram Island Drive (SCTM 700-10-1-7.9), to remove the dock now existing thereat and replace same with a 5’ x 85’ fixed dock with 3’ x 12’ aluminum ramp leading to a 6’ by 20’ floating dock and 8’ by 40’ floating dock placed in an “L” configuration, and a wooden pedestrian access stair (over dock) and 5’ x 70’ elevated ramped walkway from existing 10’ x 10’ access platform to dock structure, as per plans dated April 22, 2022 from Costello Marine Contracting Corp.; and

WHEREAS a public hearing was duly held on April 29, 2022, August 16, 2022 and on January 10, 2023, for all interested persons to be heard in favor of or in opposition, now,

WHEREAS the Applicant has secured a Permit from New York State Department of Environmental Conservation, Permit ID 1-4732-00287/00007, with effective date of August 24, 2021 and Modification #1, effective date June 8, 2022, and Permit ID 1-4732-00287/00008 Modification #0, with effective date of June 8, 2022; and

WHEREAS the Applicant and/or its predecessors in interest have in the past utilized a dock located upon Middle Har-Bay Road for purposes related to the operation of the Ram’s Head

Inn (the “causeway dock”); and

WHEREAS Section 53-15 of the Shelter Island Town Code provides that the Town Board shall have the authority to modify or waive, subject to any appropriate conditions, any provision(s) of said Chapter 53 as in its judgment is not requisite to the interests of the public health, safety and general welfare, except where such waiver would be contrary to other ordinances or state law; Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.5(a) and (c)(9) 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 has determined that the project is a Type II action and will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared for reasons set forth in the report of Hajek Land Planning & Environmental Consulting dated December 12, 2022, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for 5’ x 85’ fixed dock with 3’ x 12’ aluminum ramp leading to a 6’ by 20’ floating dock and 8’ by 40’ floating dock placed in an “L” configuration, and a wooden pedestrian access stair (over dock), 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, has complied with all other requirements as indicated in the application; and

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

BE IT FURTHER RESOLVED, that the walkway structures referenced in the application may be considered upon submission of an application for a Wetlands Permit,

BE IT FURTHER RESOLVED, that the Permit is subject to the following Conditions:

1. The dock to be constructed pursuant to this Permit shall be the sole dock to be used for any purpose by the Ram’s Head Inn (inclusive of any individual or entity owning or operating the Inn or the subject property);
2. Prior to the issuance of the Permit and as a prerequisite thereto, Applicant shall execute and cause to be filed with the Suffolk County Real Property Office all papers necessary to permanently extinguish and remove the easement granting access and use of the present dock to the adjacent parcel (SCTM 700-10-1-7.2), and shall file proof of such filing with the Town Clerk;
3. Any lighting installed on the dock shall be Dark Skies compliant;
4. The following activities/uses shall be prohibited at, upon, or in connection with the dock: a) overnight docking, except as by dinghy or launch; b) Mediterranean or “stern-to” docking; c) rafting of boats.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 91

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

“Whereas”, sealed bids on the purchase of propane for the year 2023 were received by the Town Clerk’s Office until 3 p.m., on the 6th day of January, 2023, at which time they were publicly opened and read aloud as follows:

J.W. Piccozzi, Inc: for each gallon delivered for the calendar year 2023, the differential will be the sum of \$.859 cents per gallon.

BE IT RESOLVED, That the contract for the purchase of propane for the calendar year of 2023 is hereby awarded to J.W. Piccozzi, Inc. for the sum of the differential of \$.859 per gallon.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 92

Councilman Ianfolla offered the following resolution, which was seconded by

Councilwoman Larsen, to wit:

“Whereas”, sealed bids on the purchase of No.2 Fuel Oil for the year 2023 were received by the Town Clerk’s Office until 3 p.m., on the 6th day of January, 2023, at which time they were publicly opened and read aloud as follows:

J.W. Piccozzi, Inc: for each gallon delivered for the calendar year 2023, the differential will be the sum of \$.549 cents per gallon.

BE IT RESOLVED, That the contract for the purchase of No. 2 Fuel Oil for the calendar year of 2023 is hereby awarded to J.W. Piccozzi, Inc. for the sum of the differential of \$.549 per gallon.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 93

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

BE IT RESOLVED, that Resolution No. 75 – 2022 is hereby amended to read as follows:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to sign and submit payment of \$1,000.00 for the agreement between Penflex Service Awards and the Town of Shelter Island for the preparation of the GASB 73 package for the volunteer ambulance awards program, fiscal year ending December 31, 2022.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 94

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

“Whereas”, on January 18, 2023, the Town Engineer appeared in front of the Water Quality Improvement Projects Advisory Board ("WQI") to make an application for funding for the costs associated with the engineering and permitting of the proposed Fresh Pond Remediation Project; and

“Whereas”, the proposed costs amount to \$147,600.00 and would be payable to Lombardo Associates;

“Whereas”, WQI on January 18, 2023, voted 3-0-1 to recommend to the Town Board that said costs be funded from Water Quality Improvement Funds; and

“Whereas”, WQI issued a memo dated January 18,2023, memorializing said recommendation and providing their reasoning thereof; and

“Whereas”, prior to any expenditure of Community Preservation Water Quality Improvement funds, pursuant to Section 50-33(B), the Town Board must determine that the proposed project is consistent with the Community Preservation Fund Water Quality Project Plan; and

“Whereas”, the Town Board shall further make certain certification findings pursuant to Section 50-34; now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby directed to schedule a public hearing for February 28, 2023, at 6:30 p.m., prevailing time for the purpose of determining whether to utilize Community Preservation Water Quality Improvement funds for the costs associated with the engineering and permitting of the proposed Fresh Pond Remediation Project.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 95

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

“Whereas”, New York State Division of Homeland Security and Emergency Services (DHSES) was awarded grant funding of the Hazard Mitigation Program (HMGP) project number 4567-0004 for the Ferry Flood Mitigation; and

“Whereas”, the Town of Shelter Island is a Sub-recipient of the grant awarded to New York State Division of Homeland Security and Emergency Services (DHSES); and

“Whereas”, funding has been made available in an amount not to exceed total project costs of \$213,400 with a federal share of \$192,060 and the required non-Federal matching share of \$21,340; and

“Whereas”, sub-recipient management costs were also requested and will be made available for an amount not to exceed a total cost of \$10,670; and

“Whereas”, the approved Scope of Work outlined in the application is to retain a qualified consultant to conduct a feasibility analysis to identify alternatives for the mitigation of flood risk at all four of the North and South Ferry landings, and to produce an engineering design for the recommended alternatives for each location; now, therefore

BE IT RESOLVED, that the Town of Shelter Island accepts said funding; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute all contracts related to this grant; and

BE IT FURTHER RESOLVED, that the Town Engineer Joseph Finora is appointed to serve as a Project Manager for this project.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 96

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

“Whereas”, the Town of Shelter Island was awarded Suffolk County Department of Health Service Opioid Settlement grant funding in amount of \$100,000 annually for 3 years; and

BE IT RESOLVED, that the Town of Shelter Island accepts said funding; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute all contracts related to this grant; and

BE IT FURTHER RESOLVED, that the Councilwoman Amber Brach-Williams is appointed to serve as a Project Manager for the implementation of this grant.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 97

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

“WHEREAS”, pursuant to Chapter 50 of the Town Code, entitled “Community Preservation Fund” the Town Board has created a segregated fund to serve as a repository for monies to be used in connection with community preservation, to include Water Quality Improvement projects; and now therefore

BE IT RESOLVED, That the Supervisor or his designee are hereby authorized to establish a checking account with J.P. Morgan Chase Bank for the Water Quality Improvement Advisory Board, and

BE IT FURTHER RESOLVED, That Supervisor Gerard Siller, Councilwoman Amber Brach-Williams, Margaret Larsen, and Councilman James Colligan and Barbara Jean Ianfolla 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 Shelby Mundy are hereby authorized to make transfers of Town funds amongst the designated bank.

RESOLUTION NO. 98

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement between the Town of Shelter Island and James J. Read as Chief of Police concerning the terms and conditions of employment, for the period January 1, 2023 through December 31, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 99

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

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

\$10,400 from A1680.103 Media – Thuman,

\$2,000 from A1356.105 Assessment Board of Review Clerk,

\$1,300 from A4540.100 EMS Clerk,

\$8,000 from A8140.100 Community Housing Board Clerk to A1220.111 Committees Clerk C. Thuman;

\$3,811.86 from B8030.100 Water Advisory Committee Clerk, and \$12,400 from B8040.101 Comprehensive Plan Clerk to B1220.111 Committees Clerk C. Thuman.

\$15,300 from A1680.102 Media – Martin, \$22,950 from A1220.102 Supervisor Assistant, \$676 from A1220.108 Capital Grants and Planning Clerk, \$10,200 from A1420.102 Attorney Legal Aide to A1010.106 Town Board Administrative Assistant K. Martin, and

\$30,000.00 from the EMS Capital Reserve to the A4540.200 Ambulance Vehicle Equipment account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 100

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, the following 2022 budget revisions are hereby approved: \$51,399.00 from the Highway Capital Reserve to the DA9950.0 Highway Capital Projects Equipment account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 101

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$3,760.50 from the A8160.484 Landfill Office & Misc. account to Creative Information Systems, Inc, for the SMS Maintenance Renewal for the period of 1/1/2023 – 12/31/2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 102

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$330.00 from the A1355.491 Assessor Support Contacts account to Apex Sketching Software, for the annual maintenance renewal for the period of 2/1/2023 - 2/1/2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 103

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$39,638.35 from the Highway Capital Improvements Account to KS StateBank, for the third installment on the purchase of the 2021 Mack Tractor P1647T for the Highway Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 104

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$32,442.00 from the A4540.200 Ambulance Vehicle Equipment account to Hendrickson Fire Rescue Equipment, for the installation of Stryker equipment.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 105

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

BE IT RESOLVED, That 2022 general claims numbered 2221 through 2295 in the amount of \$138,447.45; 2022 highway claims numbered 271 through 282 in the amount of \$85,826.87; and 2022 Community Preservation Fund claims numbered 23 through 24 for \$1,580.70 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.

RESOLUTION NO. 106

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

BE IT RESOLVED, That 2023 general claims numbered 13 through 94 in the amount of \$54,369.31; 2023 Highway claims numbered 1 through 7 in the amount of \$4,220.13; and 2023 Community Preservation Fund claim number 1 in the amount of \$35.42 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 6:36 p.m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Shorewood Farms, Inc, Seagull Road for permission to perform a maintenance dredged.

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

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: Application was concluded via email around January 7th, 2023. Committee approved the application.

Jack Costello was preset for the applicant.

The Deputy Supervisor opened the hearing for all to be heard in for favor of on in opposition. There being no comments, at 6:37 p.m., the Deputy Supervisor declared the hearing closed and called to order the hearing to be held as advertised on the application of North Ferry, 12 Summerfield Place for permission to replace and elevate east shore side ramp support structure and repave approaching area.

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

Bridgford Hunt was present for the application.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, at 6:40 p.m., the Deputy Supervisor declared the hearing closed and reconvened the hearing on the Community Housing Plan.

Kathryn Eiseman and Taylor Gardner on behalf of Nelson Pope Voorhis, LLC provided a presentation via zoom.

The Deputy Supervisor opened the hearing for all to be heard in favor of or opposition. There being no comments, at 6:56 p.m., the Deputy Supervisor closed the public hearing and reconvened the regular meeting.

RESOLUTION NO. 107

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

“Whereas”, Shorewood Farms, Inc., Seagull Road, has petitioned the Town of Shelter Island for permission to maintenance dredge approximately 1,000 yards from the basin entrance, to a depth of 6’ below mean water, and

“Whereas”, a public hearing was held on the 31st day of January, 2023, for all persons to be heard in favor of or opposition to, and

“Whereas”, the Waterways Committee of the Town Board has inspected 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 108

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

“Whereas”, North Ferry, 12 Summerfield Place, petitioned the Town of Shelter Island for a special permit to replace and elevate east shore side ramp support structure and repave approaching area, and

“Whereas” a public hearing was held on the 31st day of January, 2023, for all interested persons to be heard in favor of or opposition, now, therefore

BE IT RESOLVED, That a special permit for the above described work to be conducted at the premises is hereby granted and copies of this approval shall be filed with the Building Inspector.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of the Deputy Supervisor and seconded by Councilwoman Larsen, the meeting was closed at 6:58 p.m. The motion was carried.

Amber Wilson
Town Clerk

February 28, 2023

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 28th day of February, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Clerk Amber Wilson and approximately 18 persons were also present. Town Attorney Stephen Kiely was present via zoom.

The Supervisor called the meeting to order at 6:00 p.m.

Salute to flag.

Correspondence included the following:

1. A letter from Stella Lagudis regarding the Allies's Fault, LLC dock application.

Supervisor's Report

RESOLUTION NO. 109

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

"Whereas", A vacancy exists for the position of part-time Committee Clerk, and

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

BE IT RESOLVED, That Suzanne Hand is hereby appointed to serve a clerk to the following committees:

Deer and Tick, Taylors Island, Planning Board, Conservation Advisory Council, Green Options Committee, West Neck Board of Directors, and

BE IT FURTHER RESOLVED, That Suzanne Hand is hereby appointed to serve as part time Office Assistant in the Town Clerk's office, retroactive to 2/27/2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 110

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

"Whereas", A vacancy exists on the Waterways Management Advisory Council , and

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

BE IT RESOLVED, That Tom Field is hereby appointed to serve as a member of the Waterways Management Advisory Council for a term to expire on February 1, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 111

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

"Whereas", A vacancy exists on the Waterways Management Advisory Council , and

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

BE IT RESOLVED, That Matthew Williamson is hereby appointed to serve as a member of the Waterways Management Advisory Council for a term to expire on February 1, 2026.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 112

Councilwoman Brach-Williams offered the following resolution, which was seconded by

Councilman Ianfolla, to wit:

“Whereas”, John Sommi and Nancy Judge, 9 Nostrand Parkway, have petitioned the Town of Shelter Island for permission to remove and dispose of approximately 100’ of existing splashboard, construct approximately 100’ of new splashboard along the outside perimeter of the dock and replace 17 fender piling, now, therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:10 p.m., prevailing time, on the 14th day of March, 2023, for all interested persons to be heard in favor of or in opposition to said proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 113

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

“Whereas”, Cornell Cooperative Extension Marine Program appeared in front of the Water Quality Improvement Projects Advisory Board ("WQI") to make an application for funding for the costs associated with the Shellfish and Habitat Restoration in Support of Water Quality Improvement, and

“Whereas”, The proposed cost amount is \$200,000.00, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby directed to schedule a public hearing for March 14, 2023, at 6:12 p.m., prevailing time for the purpose of determining whether to utilize Community Preservation Water Quality Improvement funds for the costs associated with the Shellfish and Habitat Restoration in Support of Water Quality Improvement.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 114

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a Special Meeting shall be held on Tuesday, March 21, 2023, at 1:30 p.m., prevailing time to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 129 entitled “Wetlands”, to transfer approval authority from the Town Board to the Planning Board, enhance the application process, remedy the clearing inconsistency, and clarify the new construction wetlands permit 100 square foot exemption of which provides as follows:

SUMMARY OF PROPOSED LAW

The purpose of this local law is to address administrative inefficiencies in the processing of Wetlands Permit Applications by delegating approval authority from the Town Board to the Planning Board, upgrade the application process, cure an internal clearing inconsistency, and elucidate the new construction 100 square foot wetlands exemption.

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 115

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, April 4th, 2023, at 6:10 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 108, entitled “Shellfish”, to create a commercial shellfish permit, remove the prohibition on returning starfish and whelks, create a Shellfish Permit Review Board and to increase penalties” of which provides as follows:

SUMMARY OF PROPOSED LAW

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 116

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, April 4th, 2023, at 6:12 p.m. to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 126, entitled "Vehicles and Traffic", to add new parking restrictions for the intersections of North Ferry Road and Manwaring Road and West Neck Road and New York Avenue and for a certain area of South Ram Island Drive" of which provides as follows:

SUMMARY OF PROPOSED LAW

The purpose of this local law is to protect the health, safety, and welfare of those who traverse Shelter Island roads by prohibiting parking at the intersections of North Ferry Road and Manwaring Road and West Neck Road and New York Avenue and a certain area of South Ram Island Drive.

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 117

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

"Whereas", Liberty Lawn Care, 17 North Ferry Road, has petitioned the Town of Shelter Island for a special permit to, construct commercial building to serve landscape business. Building to be served by on site well and IA septic system, now, Therefore

BE IT RESOLVED, That pursuant to the Code of the Town of Shelter Island, a public hearing will be held at 6:14 prevailing time, on the 4th day of April, 2023, in the Shelter Island Town Hall, 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. 118

Councilman Ianfolla offered the following resolution which was seconded by Councilwoman Larsen, to wit:

"Whereas", the Town Board adopted an employee manual on February 5, 2021; and

"Whereas", the IT Committee developed a Lost Device Policy and has recommended inclusion into the Employee Handbook; and

"Whereas", the Town Board accepts such recommendation and wishes to implement this policy; now therefore be it

RESOLVED, that the following amendments shall be included in the Town of Shelter Island Employee handbook:

Lost Device Policy

The IT Department shall maintain a master list of all devices and employees to which a device was assigned, along with the purchase price, year of purchase and the date of assignment of the device. Receipt of issued device shall be acknowledged by the employee's signature on a Shelter Island Town Receipt.

Those who were issued Town electronic device, such as tablet, cellphone or laptop should exercise good judgement and care when in possession of such device.

Any lost, stolen or damaged device must be immediately reported to the Department Head and IT Department Head to ensure that the IT Department can execute all necessary cyber security steps. An employee who has damaged the device intentionally or through misuse or negligence or who has lost the device through similar circumstances may be held liable for the cost of the replacement and/or repair. Department Head shall investigate the circumstances of the loss or damage and shall determine whether the replacement of the device should be paid by the employee, by the Town or whether the replacement cost should be shared. This consideration shall include number of previous lost/damaged device offenses, the price and the age of the device. The Department Head shall coordinate with the IT Department to determine prorated purchase price if applicable. If an employee opts to use his personal device in lieu of assigned device, they have to get written approval from the IT Department. Personal devices routinely used by an employee that are not typically issued by the Town are excluded from this written approval.

USE OF PERSONAL DEVICE

An employee must immediately report to the Department Head and IT Department any personal device used for work that becomes lost, stolen or damaged, to ensure that the IT Department can execute all necessary cyber security steps to protect any Town data that may be on said device.

CLAIMS FOR REIMBURSEMENT FOR PERSONAL PROPERTY

An employee's personal devices that becomes lost and or damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

Claims for reimbursement for personal property must be submitted to the Department Head. The Department Head shall investigate whether reasonable care was taken to prevent the loss or damage. Upon review and a finding that no negligence was involved, repair or replacement may be recommended by the Department Head. If the Department Head has a budget line to cover the claim they will complete necessary paperwork to authorize payment. In cases where the aforementioned is not applicable the Department Head will then forward the claim and a report of the investigation to the Town Supervisor for review and authorization of payment.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 119

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

"Whereas", on April 29, 2022, the Town Board enacted Chapter 52 of the Town Code entitled the "Community Housing Fund";

"Whereas", said fund serves as a repository for monies to be used in connection with the creation of community housing opportunities;

"Whereas", the Town Board, pursuant to a mandatory referendum, created a .5% supplemental tax on real estate transfers as a revenue stream for such community housing opportunities;

"Whereas", pursuant to Section 52-6 before any monies may be expended from the Community Housing Fund a Housing Plan must be adopted and adhered to;

"Whereas", the Town Board retained Nelson, Pope, and Voorhis to work with the Community Housing Fund Advisory Board to draft said plan;

"Whereas", the Town Board solicited public comment on said plan via a survey, along with two public forums, a "town hall" style meeting and two public hearings; now, therefore

BE IT RESOLVED, that the Town Board hereby adopts the Town of Shelter Island Community Housing Plan dated January 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 120

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, 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 \$26,100.00 from the 2023 A1620.476 computer services account to East End Computers, LLC, for the EEC annual managed service contract for the period January 1, 2023 through December 31, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 121

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

"Whereas", the Town Board has determined that the Community Center, 1 Bateman Road, is the best location for conducting elections and early voting on Shelter Island, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement with the Suffolk County Board of Elections to permit the conduct of elections and early voting at the Community Center in 2023 with an option to renew for 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 122

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

"Whereas", The Town Board issued RFP's for a consultant to assist with the completion of updating the Comprehensive Plan, and

"Whereas", BFJ Planning has submitted a proposal, and

"Whereas", BFJ planning has been interviewed by the Board and their proposal has been reviewed and found to meet the necessary requirements for acceptance, now, therefore

BE IT RESOLVED, That the Supervisor or designee is hereby authorized to execute any and all documents in connection with retaining BFJ Planning to assist with the completion of the Town of Shelter Island Comprehensive Plan.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 123

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Resolution No. 93 – 2023 is hereby amended to read as follows:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute and expend the sum of \$1,100.00 for the agreement between Penflex Service Awards and the Town of Shelter Island for the preparation of the GASB 79 package for the volunteer ambulance awards program, fiscal year ending December, 31, 2022.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 124

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

BE IT RESOLVED, That the following 2023 budget modification is hereby approved: \$299.50 increase to the A4389 Federal Reimbursement- Public Safety account, and 299.50 increase to the A3120.487 Uniform Allowance account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 125

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

BE IT RESOLVED, That the following funds are hereby encumbered from 2022 to be expended in 2023 with 2022 funds, to wit:

\$1,180 from A8160.438 Landfill Processed Concrete account, and \$2,050.00 from A8160.439 Landfill Demo Concrete Out account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 126

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of 603.11 from the A3120.491 Police Department contracts account to Carr Business Systems, for the billing contract period of 1/24/2023 through 1/23/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 127

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to sign and expend the sum of \$1,350.00 from the A1490.496 account to Charge Point, Inc, for the charging station rental fees and service period of 12/11/2022 – 12/11/2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 128

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$2,132.75 from the A3120.491 PD Contracts account to Lexipol, LLC, for yearly service agreement.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 129

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the

sum of \$10,857.38 from the A3120.491 PD Contracts account to Central Square Technologies, for the annual maintenance fee of 6/1/2023 – 5/31/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 130

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

BE IT RESOLVED, That 2022 general claims numbered 2296 through 2314 in the amount of \$41,827.634; 2022 highway claims numbered 283 through 286 in the amount of \$4,423.88; and 2022 Community Preservation claim number 25 in the amount of \$1,411.32 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 131

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

BE IT RESOLVED, That 2023 general claims numbered 95 through 286 in the amount of \$100,578.03; 2023 highway claims numbered 8 through 29 in the amount of \$35,230.28; and 2023 Community Preservation claims numbered 2 through 3 in the amount of \$78.00 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 6:20 p.m., the Supervisor recessed the regular meeting and called to order the public hearing to be held on the application of Peter Levenson, 23 Winthrop Road, for permission to replace existing dock boards on section of dock.

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

The Supervisor called for the report of the Waterways Committee of the Town Board, which was as follows: WMAC approved this application on February 6th, 2023.

The Supervisor opened the hearing for all in favor of or in opposition. There being no comments, at 6:21 p.m., the Supervisor declared the hearing closed and called to order the hearing to be held on the application of William Cummings & Bernt Heiberg Svenby, 10 Thompson Road, for permission to construct a new set of lower stairs with three platforms, construct a 4' x 30' catwalk, supply and install a 3' x 15' aluminum ramp, leading onto a 6' x 12' floating dock with a 6' x 20' "L" section, secured with three anchor piles.

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

The Supervisor called for the report of the Waterways Committee of the Town Board, which was as follows: WMAC met on February 6th and the member vote was 2-2. Vote was referred back to the Town Liaisons, which application was approved.

Jack Costello was present for the applicant.

The Supervisor opened the hearing for all in favor of or in opposition. There being no comments, at 6:24 p.m., the Supervisor declared the hearing close and called to order the hearing to be held on the application of Emmet McCann, 12 Westmoreland Drive, for permission to install a mooring at a location designated as latitude 41.061525° north and longitude -72.3583770° west.

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

The Supervisor called for the report of the Waterways Committee of the Town Board, which was as follows: WMAC met on February 6th and the recommendations were this be a riparian mooring and a change of coordinates to being close to shore. Corrected coordinates are; 41.061399° north and -72.358444° west.

The Supervisor opened the hearing for all in favor of or in opposition. There being no

comments, at 6:26 p.m., the Supervisor declared the hearing closed and called to order the hearing to be held on the application of Alphanest, LLC, 44 Gardiners Bay Drive, for permission to redevelop residential property to result in a single family dwelling, accessory pool house with sleeping and conditioned storage.

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

Matt Sherman was present for the applicant.

The Supervisor called for the report of the Conservation Advisory Council of the Town Board, which was as follows: The CAC met on February 13th, 2023 with the recommendations of making modifications on the application, which Mr. Sherman agreed to.

The Supervisor called for the report of the Planning Board of the Town Board, which was as follows: Planning Board recommended adding a cistern, auto cover and cartridge filter for the pool.

Matt Sherman provided a presentation regarding the application.

The Supervisor opened the hearing for all in favor of or in opposition. Some expressed views regarding the application, and at 6:53 p.m., the Supervisor adjourned the application pending CAC review and opened the hearing on the application of Christian Johnson, 14 Manwaring Road, for permission to construct an unconditioned, without plumbing, 60' x 72' pole barn structure, with attached 12' x 36' carport and a 6' x 38' covered entrance.

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

Matt Sherman was present for the application.

The Supervisor called for the report of the Conservation Advisory Council of the Town Board, which was as follows: CAC met on February 13th, 2023. Only concern was an electrical line leading to the structure.

The Supervisor called for the report of the Planning Board of the Town Board, which was as follows: The Planning Board did not have any concerns.

The Supervisor opened the hearing for all in favor or opposition. There being no comments, at 6:58 p.m., the Supervisor closed the hearing and called to order the hearing to be held on the application of Karen Feuer, 142G North Ferry Road, for permission to complete an existing dock that was subsequently built without a permit.

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

The Supervisor called for the report of the Waterways Committee of the Town Board, which was as follows: WMAC tabled this application for further review and wanted to revisit site for the March agenda due to many pending issues.

Building Inspector, Reed Karen, gave a report of the issues regarding this application.

Karen Feuer was present via zoom for the application and was advised to submit a wetlands application for the walkway to the proposed dock.

The Supervisor opened the hearing for all in favor or opposition. There being no comments, at 7:10 p.m., the Supervisor closed the hearing and called to order the hearing to be held as advertised on the application of Allie's Fault, LLC, Josh Sapan, 22 Prospect Avenue to construct a 5' x 30' ramp leading to a 5' x 100' fixed dock with a 5' x 30' "L" at the offshore end, construct a 4' x 30' lowered platform, installation of two 7-pile dolphins on west side and one 2-pile dolphins on the east side of the dock, install a 65' of splashboard system, and provide water and electric to offshore end of dock.

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

Jack Costello, Costello Marine, was present for the application.

The Supervisor called for the report of the Waterways Committee of the Town Board,

which was as follows: WMAC vote was 4-2-0, votes against the application were due to concerns of the dock location, high wave action, and shoreline.

The Supervisor opened the hearing for all in favor or opposition. Some expressed concerns against the proposed dock application. With no further comments, the Supervisor closed the hearing and called to order the hearing to be held as advertised on the application of James and Cheryl Keller, 56A Cartwright Road, to renovate and addition to existing dwelling, new work includes removal of existing septic and decking from vegetative buffer, reconstruct existing deck and add 84 s.f. of new deck in vegetative buffer. Reconstruct 759 s.f. of first floor in ARA, 301 s.f. in vegetative buffer, new 166 s.f. second floor in ARA, reconstruct 301 s.f. first floor and add 89 s.f. in vegetative buffer.

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

Matt Sherman, Sherman Engineering, was present for the application.

The Supervisor adjourned the application pending Conservation Advisory Council recommendations and called to order the hearing to be held as advertised on the application of Theodore Bucci, 104 South Ferry Road, to construct in ground swimming pool and patio partially within regulated area, all new construction will be greater than 80 feet from flagged wetlands boundary of man-made pond site, new pool will include automatic cover, cartridge filter and salt cell or ozone disinfection.

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

Matt Sherman, Sherman Engineering, was present for the application.

The Supervisor called for the report of the Conservation Advisory Council of the Town Board which was as follows: Conservation Advisory Council met on Feb 13th with four recommendations. Applicant agreed to all recommendations.

The Supervisor called for the report of the Planning Board of the Town Board which was as follows: Planning Board visited the site on January 14, 2023, and recommends approval of the application.

At 7:45 p.m., the Supervisor opened the hearing for all in favor or opposition. With no further comments, the Supervisor closed the hearing and called to order the hearing to be held as advertised on the application to determine whether to utilize the Community Preservation Water Quality improvement funds for the cost associated with engineering and permitting of the proposed Fresh Pond Remediation Project.

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

Peter Grand, Chairman of the Water Advisory Committee was present for the application and gave a description of the project.

At 7:57 p.m., the Supervisor opened the hearing for all in for or opposition. With no further comments, the Supervisor closed the and reconvened the hearing on the application of Isar Trust, 149 North Ram Island Road, special permit.

Karen Hoeg, Twomey & Lathem was present for the applicant and gave a brief description of the application. Applicants were advised to obtain the proper building department permits.

At 8:30 p.m., the Supervisor adjourned the hearing and reopened regular meeting.

RESOLUTION NO. 132

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

“Whereas”, Peter Levenson, 23 Winthrop Road, petitioned the Town of Shelter Island for permission to replace existing dock boards on section of dock, and

“Whereas”, A public hearing was duly held on the 28th day of February, 2023, for all interested persons to be heard in favor of or in opposition, now, therefore

BE IT RESOLVED, The Town Clerk is hereby authorized to issue a permit for aforementioned repairs.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 133

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

“Whereas”, William Cummings & Bernt Heiberg Svenby, 10 Thompson Road, have petitioned the Town of Shelter Island for permission to construct a new set of lower stairs with three platforms, construct a 4’ x 30’ catwalk, supply and install a 3’ x 15’ aluminum ramp leading onto a 6’ x 12’ floating dock with a 6’ x 20’ “L” secured with three anchor piles, and

“Whereas”, A public hearing was duly held on the 28th day of February, 2023, 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 construction:

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

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 134

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

“Whereas”, Emmet McCann, 12 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.061525° north and longitude -72.358370° west, and

“Whereas”, A public hearing was duly held on the 28th day of February, 2023, 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 aforementioned installation with corrected coordinates of latitude 41.061399° north and longitude -72.358444° west.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 135

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla to wit:

“Whereas”, Allies Fault,LLC, Josh Sapan, 22 Prospect Avenue, has petitioned the Town of Shelter Island for permission to construct a 5’ x 30’ ramp leading to a 5’ x 100’ fixed dock with a 5’ x 30’ “L” at the offshore end, construct a 4’ x 30’ lowered platform, installation of two 7-pile dolphins on west side and one 2-pile dolphins on the east side of the dock, install a 65’ of splash-board system, and provide water and electric to offshore end of dock, and

“Whereas” A public hearing was duly held on the 28th day of February, 2023, 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 construction:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;

4. will not adversely affect the quality of the tidal waters, shoreline or beaches;

5. will not adversely affect the rights of adjacent residents; and

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

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

Vote: 4 in favor 1 opposed (Councilwoman Woman Brach-Williams opposed)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 136

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

"Whereas", on January 18, 2023, the Town Engineer appeared in front of the Water Quality Improvement Projects Advisory Board ("WQI") to make an application for funding in the amount of \$147,600.00 for the costs associated with the engineering and permitting of the proposed Fresh Pond Remediation Project; and

"Whereas", A public hearing was duly held on the 28th day of February, 2023, for all interested persons to be heard in favor or in opposition, now, Therefore

BE IT RESOLVED, That the aforementioned request is hereby approved and that the Supervisor or designee is hereby authorized to execute any and all documents in connection with retaining Lombardo Associates for this project.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 137

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Colligan, 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 dredge material at an approved upland location, as per submitted plan and pursuant to DEC permit, and

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor opened the regular meeting to the public. There being no comments, at 8:46 p.m., the Supervisor made a motion to close. Motion was seconded by Councilman Colligan.

Amber Wilson
Town Clerk

March 14, 2023

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 14th day of March, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately 12 persons were also present.

RESOLUTION NO. 138

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

WHEREAS, The term of John Needham as Chairman of the Waterways Management Advisory Committee expired on February 1, 2023, and,

WHEREAS, Mr. Needham has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, That John Needham is hereby reappointed to serve as member of the Waterways Management Advisory Council for a term to expire on February 1, 2026, and

BE IT FURTHER RESOLVED, That John Needham is hereby reappointed to serve as Chairman of the Waterways Management Advisory Council for a term to expire on February 1, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 139

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

WHEREAS, The term of William Geraghty as a member of the Waterways Management Advisory Committee expired on February 1, 2023, and,

WHEREAS, Mr. Geraghty has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, That William Geraghty is hereby reappointed to serve as member of the Waterways Management Advisory Council for a term to expire on February 1, 2026.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 140

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

WHEREAS, The term of Reeves Thompson as a member of the Board of Assessment Review expired on September 30, 2022, and,

WHEREAS, Mr. Thompson has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, That Reeves Thompson is reappointed to serve as member of the Board of Assessment Review for a term to expire on September 30, 2028.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 141

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

WHEREAS, A vacancy exists on the Board of Assessment Review, and

WHEREAS, The Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That Noel Cunningham is hereby appointed to the Board of Assessment Review, for a term to expire on March 14, 2028.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 142

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Blanca Fruasto is hereby appointed to serve as 2nd Provisional Assessment Clerk, retroactive to March 13, 2023, to be paid as 2023 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 143

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

WHEREAS, Joseph Bocci, 2 Park Lane, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay, at a location designated as latitude 42.065083° north and longitude -72.363438° 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 6:16 p.m., prevailing time, on the 4th day of April, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 144

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

WHEREAS, Deborah Mintz, 5 Margaret's Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay, at a location designated as latitude 42.06586° north and longitude -72.36331° 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 6:18 p.m., prevailing time, on the 4th day of April, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 145

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

WHEREAS, Eddy Quinlan, 8 Quaker Path, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor, at a location designated as latitude 41.08861° north and longitude -72.323011° 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 6:20 p.m., prevailing time, on the 4th day of April, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 146

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

WHEREAS, Bob Weinstein & Eric Hensley, 28 South Midway Road, have petitioned the Town of Shelter Island for permission to construct a 4' x 60' catwalk with a 3' x 16' aluminum ramp leading onto a 6' x 30' floating dock, floating dock will be secure with two anchor piling, supply and install a four tie-off piling.

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:22 p.m., prevailing time, on the 4th day of April, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 147

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Jeremy Brownie, 2 Tarkettle Road, has petitioned the Town of Shelter Island for permission to construct a 4' x 68' long open grate fixed pier leading to a 4' x 12' long fixed

pier in a "T" configuration with a 4' x 10' long ramp, leading to a 6' x 30' long float secured by a (4) 10" diameter piles, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:24 p.m., prevailing time, on the 4th day of April, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 148

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

WHEREAS, Sherman Engineering & Consulting, P.A., on June 17, 2022, submitted a Site Plan Application on behalf of Christian Johnson, pursuant to Chapter 109 of the Town Code, to seek approval to construct an unconditioned, without plumbing, 60' x 72' pole barn structure, with attached 12' x 36' carport and a 6' x 38' covered entrance;

WHEREAS, the subject pole barn is to be used in connection with an Island based tree and lawn service company;

WHEREAS, the subject property is mixed use and located at 14 Manwaring Road, Shelter Island, New York, which is within the B zoning district, with a SCTM# 0700-15-3-3 (the "property")

WHEREAS, the pole barn is shown on the Sherman Engineering & Consulting P.A. Site Plan, dated October 22, 2022, which is based on a JM Land Survey, dated May 10, 2022;

WHEREAS, the application was referred to the Planning Board for review and recommendations, and said recommendations have been submitted and considered; and

WHEREAS, this Board considered the proposed action at a public hearing, pursuant to notice, on February 28 2023; and

WHEREAS, this Board now wishes to render a decision on this site plan application, now therefore

BE IT RESOLVED, that this Board hereby, pursuant to SEQRA, determines that this is a Type II action (6 NYCRR 617.5 (c)(9)) and therefore will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED, that the Town Board adopts the findings of the Planning Board;

BE IT FURTHER RESOLVED, that site plan approval for the subject construction to be completed at 14 Manwaring Drive, Shelter Island, New York, New York, is hereby granted, subject to the following conditions:

1. All construction shall be in full conformity with the Sherman Engineering & Consulting P.A. Site Plan, dated October 22, 2022, which is based on a JM Land Survey, dated May 10, 2022;
2. Soil disturbance should be minimized where possible;
3. Storm water management practices pursuant to Chapter 110 of the Town Code must be employed, or if preexisting, approved by the Building Inspector;
4. The construction site must be cleaned of all trash and debris on an ongoing basis with a minimum once per week;
5. Parking of all construction and delivery vehicles shall be on the property to the extent reasonably possible;
6. No public street or public or private right-of-way may be obstructed or impaired during construction;
7. Applicant must repair any damage to any adjacent public road or street caused by construction vehicles to the satisfaction of the Town Highway Superintendent;
8. The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project;
9. Noise controls shall be pursuant to the Town Code;
10. This approval shall only be valid for construction commencing within two years of the date of this resolution; and
11. The Building Inspector may halt construction for any violation of these restrictions or of the Unified Code;

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.

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

WHEREAS, Sherman Engineering & Consulting, P.A., on October 21, 2022, submitted a Wetlands Permit Application on behalf of Kathryn and Theodore Bucci Family Trust, pursuant to Chapter 129 of the Town Code, to seek approval to construct a 20' x 40' in-ground gunite swimming pool with 1900 s.f. of deck within the regulated area; and

WHEREAS, the pool and deck are not proposed to be located within the 75' vegetative buffer and will hold a 79.2' and 81.2' respective setback from the wetlands; and

WHEREAS, the subject property is located at 104 S. Ferry Road, Shelter Island, New York, which is within the A residential zoning district, within the near shore overlay district with a SCTM# 0700-23-2-95.7 (the "property"); and

WHEREAS, the shoreline is unhardened; and

WHEREAS, the subject pool and decking is shown on the Sherman Engineering & Consulting P.A. proposed Site Plan, dated November 8, 2022, which is based on a Squires, Holden, Weisenbacher & Smith Survey, dated March 4, 2022;

WHEREAS, the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and said recommendations have been submitted and considered; and

WHEREAS, a New York State Department of Environmental Conservation Permit has been issued for the subject project, Permit ID #1-4732-00725/00001 dated September 4, 2002;

WHEREAS, this Board considered the proposed action at a public hearing, pursuant to notice, on February 28, 2023; and

WHEREAS, this Board now wishes to render a decision on this wetlands application, now, therefore

BE IT RESOLVED, that this Board hereby, pursuant to SEQRA, determines that this is a Type II action (6 NYCRR 617.5 (c)(11) & (12)) and therefore will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED, that the Town Board adopts the findings of the Planning Board and Conservation Advisory Council and concurs with the justifications and mitigation measures offered in the subject application and at the hearing;

BE IT FURTHER RESOLVED, that a wetlands permit for the subject construction to be completed at 104 S. Ferry Drive, Shelter Island, New York, New York, is hereby granted, subject to the following conditions:

1. All construction shall be in full conformity with the Sherman Engineering & Consulting P.A. proposed Site Plan, dated November 8, 2022, which is based on a Squires, Holden, Weisenbacher & Smith Survey, dated March 4, 2022;

2. Construction procedures and erosion controls including the anchored installation and maintenance of silt fences during all stages of construction shall be required, and be designed to prevent any runoff from disturbed ground into the wetlands areas;

3. Soil disturbance should be minimized where possible;

4. Storm water management practices pursuant to Chapter 110 of the Town Code must be employed, or if preexisting, approved by the Building Inspector;

5. The construction site must be cleaned of all trash and debris on an ongoing basis with a minimum once per week;

6. All construction materials and equipment shall be staged outside the regulated area;

7. No public street or public or private right-of-way may be obstructed or impaired during construction;

8. Applicant must repair any damage to any adjacent public road or street caused by construction vehicles to the satisfaction of the Town Highway Superintendent;

9. Noise controls shall be pursuant to the Town Code;

10. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter;

11. This permit shall only be valid for construction commencing within two years of the date of this approval;

12. An automatic pool cover shall be installed and maintained;

13. A salt zone or ozone disinfection system shall be installed and maintained;

14. The 40' x 150' buffer as shown on Sherman Engineering & Consulting P.A. proposed Site Plan, dated November 8, 2022, shall be installed and maintained;

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. 150

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

WHEREAS, It is the desire of the Town Board of the Town of Shelter Island to conduct

an annual performance evaluation and professional development, designed to assist employees and Department Heads with an assessment of their work performance and professional improvement, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby adopts the Town of Shelter Island Annual Evaluation Policy & Procedure.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 151

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

WHEREAS, the New York State Household Hazardous Waste (HHW) State Assistance Program has made funds available to reimburse the costs of municipal household hazardous waste (HHW) collection programs pursuant to 6 NYCRR Subpart 362-4; and

WHEREAS, the HHW State Assistance Program allowable costs include reasonable costs for municipal HHW collection and storage, and provides up to 50% funding for eligible project costs; and

WHEREAS, the Town incurred expenses of \$25,056.30 in HHW collection fees in Calendar Year 2022, with 50% state share totaling \$12,528.05; now, therefore,

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby ratifies the grant submission and authorizes the Supervisor or his designee to execute any and all documents pertaining to the New York State Household Hazardous Waste State Assistance Program for reimbursement of eligible expenses incurred for the Calendar Year 2022 HHW program, and

BE IT FURTHER RESOLVED, that the DPW Superintendent is appointed to serve as Project Manager for the implementation of this grant.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 152

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

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

\$175.00 from the A8160.408 Landfill Repairs & Maintenance account to the A8160.423 Landfill Electric account;

\$2,000.00 from the A8160.408 Landfill Repairs & Maintenance to the A8160.439 Landfill Demo Concrete Out account;

\$3,800.00 from the A8160.408 to the Landfill Repairs & Maintenance A8160.444 Landfill Environmental Monitoring account;

\$17,452.00 from the A1490.409 Parks & Beaches account to the A1490.414 Town Hall/Buildings account;

\$750.00 from the A1490.409 Public Works Park & Beaches account to the A1490.425 Public Works Non-Highway Tree account;

\$150 from the A1490.409 Public Works Park & Beaches to the A1490.421 Public Works-Congdon's Creek account;

\$4,900.00 from the DA5140.100 Personnel Services to the DA5130.441 Gas account;

\$1,800.00 from the DA5140.100 Personnel Services account to the DA5130.246 Equipment account;

\$10,000.00 from the DB5110.150 PS account to the DB5110.441 Highway Repair & Improvement Fuel account;

\$17,000.00 from the DB5110.150 PS account to DB5110.445 Highway Improvements account;

\$6,480.00 from the DB5110.479 Surveys account to the DB5110.445 Highway Improvements account;

\$1,800.00 from the DB5110.480 MS4 account to the DB5110.445 Highway Improvements account;

\$6,100.00 from the DB5110.482 MS4 Drains account to DB5110.445 Highway Improvements account;

\$6,000.00 from the DB5110.483 PEP account to DB5110.445 Highway Improvements account;

\$16,876 from the A1355.100 account to A1355.101 account;

\$32,876 from the A1355.100 account to the A1355.102 account;

\$1,854.73 from the B1990.400 account to the B3620.108 account; and
\$1,854.73 from the B1990.400 account to the B8010.108 account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 153

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

BE IT RESOLVED, That the following funds are hereby encumbered from 2022, to be expended in 2023 with 2022 funds:

\$34,900.00 from the A1490.414 Town Hall Buildings account for the Youth Center Roof, ADA Ramp and Front Door; and

\$62,530.00 from the DB5110.445 Highway Improvement's account for Road Paving; and

\$50,000.00 from the DA9950.0 for the Police Department ADA project; and

\$68,000.00 from the DA9950.0 for the Congdon's Creek bulkhead.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 154

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

BE IT RESOLVED, That the Supervisor is hereby authorized to credit the sum of \$25.43 from Ready Refresh to the A7320.484 Youth Center Office & Miscellaneous account for a refund of services.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 155

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

BE IT RESOLVED, That the Supervisor is hereby authorized to credit the sum of \$10.35 from the State of New York to the General Fund account for a refund of Sales Tax.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 156

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$855.88 from the A1110.484 Justice Court Office & Miscellaneous account to CARR Business Systems, for the billing period of 2/28/2023 through 2/27/2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 157

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$4,050.00 from the A1680.476 Computer Maintenance account to East End Computers, LLC, for the 2-Year Security Services subscription.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 158

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

BE IT RESOLVED, That 2022 general claims numbered 2315 through 2321 in the amount of \$37,846.78, 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.

RESOLUTION NO. 159

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

BE IT RESOLVED, That 2023 general claims numbered 269 through 389 in the amount

of \$82,514.81, 2023 Highway claims numbered 30 through 43 in the amount of \$17,951.32, 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 6:16 p.m., the Supervisor adjourned the regular meeting and called to order the hearing to be held as advertised on the application of John Sommi and Nancy Judge, 9 Nostrand Parkway, to remove and dispose of approximately 100 feet of existing splashboard, construct approximately 100 feet of new splashboard along the outside perimeter of dock and replace 17 fender pilings.

The Town Clerk read public notice as advertised.

The Supervisor called for the report of the Waterways Committee of the Town Board which was as follows: WMAC met on February 6th, 2023 the vote was 4-0-2.

The Supervisor opened the hearing for all to be heard in favor of or opposition. There being no comments, the Supervisor closed the hearing and called to order the hearing to be held as advertised to for the purpose of determining whether to utilize Community Preservation Water Quality Improvement Funds for the cost associated with shellfish and habitat restoration in support of water quality.

The Town Clerk read the public notice as advertised.

Kate Rossi-Snook was present for the application and gave a brief demonstration of the project. The Supervisor opened the hearing to all those in favor of or opposition to. Some expressed concerns on how the project would affect the Baymen. There being no further comments, at 6:52 p.m., the Supervisor closed the hearing and reconvened the hearing on the application of James and Cheryl Keller, 56A Cartwright Road, to renovate and add an addition to existing dwelling and reconfigure decking within the regulated area.

Matt Sherman, Sherman Engineering was present for the application and stated the hearing was adjourned due to the pending Conservation Advisory Council recommendations and gave a description of the application.

The Supervisor called for the report of the Conservation Advisory Council which was as follows: Vote was 5-0 and approved the application.

At 7:00 p.m., the Supervisor opened the hearing to all those in favor of or in opposition. There being no further comments, the Supervisor closed this hearing subject to written review for one week and reconvened the hearing on William Conroy, 9 Cozy Lane, unsafe structure.

Town Attorney Stephen Kiely gave the description of why the building is deemed unsafe and the home owner has been contacted and served papers regarding this hearing.

Town Building Inspector Reed Karen also gave details of why building is deemed unsafe.

At 7:13 p.m., the Supervisor opened the hearing to all those in favor of or in opposition. There being no further comments, the Supervisor closed this hearing and reconvened the regular Town Board meeting.

RESOLUTION NO . 160

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

WHEREAS, John Sommi and Nancy Judge, 9 Nostrand Parkway, petitioned the Town of Shelter Island for permission to remove and dispose of approximately 100' of existing splashboard, construct approximately 100' of new splashboard along the outside perimeter of the dock and replace 17 fender pilings, and

WHEREAS , A public hearing was duly held on the 14th day of March, 2023, for all interested persons to be heard in favor of or in opposition to the proposed construction, 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 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. 161

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

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

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

BE IT RESOLVED, That funds allotted to the WQIAB in the year 2022 from the 2021 CPF revenue be carried over in perpetuity unless returned to the CPF by resolution of the Town Board, and

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 7:17 p.m., the Supervisor opened the regular meeting to the public. There being no further comments the Supervisor made a motion to close the meeting. Motion was seconded by Councilwoman Larsen.

Amber Wilson
Town Clerk

March 21, 2023

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island New York on the 21st day of March, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilman James Colligan . Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Deputy Town Clerk Linda Cass and approximately fifteen persons were also present. Councilman Barbara Jean Ianfolla was absent.

The Supervisor called the meeting to order at 2:20 p.m.

All Town Board members signed the Waiver of Notice for today's special meeting.

Correspondence included the following:

1. A letter from the Shelter Island Association, Shelter Island Heights Property Owners and Pam Demarest regarding the proposed Wetlands Local Law.

At 2:22 the Supervisor called for the public hearing to be held as advertised on the proposed Local Law entitled "A LOCAL LAW amending Chapter 129 entitled "Wetlands", to transfer approval authority from the Town Board to the Planning Board, enhance the application process, remedy the clearing inconsistency, and clarify the new construction wetlands permit 100 square foot exemption.

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

After a lengthy discussion of those in favor of or in opposition of the proposed Local Law, at 3:30 the Supervisor made a motion to adjourn this hearing, which was seconded by Councilman Colligan. This motion was carried.

RESOLUTION NO. 162

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

WHEREAS, Sherman Engineering & Consulting, P.A., on December 30, 2022, submitted a Wetlands Permit Application on behalf of James and Cheryl Keller, pursuant to Chapter 129 of the Town Code, to seek approval to renovate, and add an addition, to an existing dwelling and reconfigure decking within the regulated area;

WHEREAS, the proposed renovation would provide a net increase in the setback to the subject wetlands boundary;

WHEREAS, the subject property is located at 56A Cartwright Road, Shelter Island, New York, which is within the C residential zoning district, within the near shore overlay district with a SCTM# 0700-8-3-67.2 (the "property");

WHEREAS, the shoreline is unhardened;

WHEREAS, the subject renovation, with addition, and decking reconfiguration is shown on the Sherman Engineering & Consulting P.A. proposed Site Plan, dated January 11, 2023, which is based on a Peconic Surveyors P.C. Survey, dated November 4, 2019;

WHEREAS, the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and said recommendations have been submitted and considered; and

WHEREAS, a New York State Department of Environmental Conservation Letter of Non-Jurisdiction has been issued for the subject project, Permit ID #1-4732-00696/00002 dated March 24, 2011 (Updated October 9, 2020);

WHEREAS, this Board considered the proposed action at a public hearing, pursuant to notice, on February 28, 2023, and on March 14, 2023; and

WHEREAS, this Board now wishes to render a decision on this wetlands application, now therefore be it

RESOLVED, that this Board hereby, pursuant to SEQRA, determines that this is a Type II action (6 NYCRR 617.5 (c)(11) & (12)) and therefore will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED, that the Town Board adopts the findings of the Planning Board and Conservation Advisory Council and concurs with the justifications and mitigation measures offered in the subject application and at the hearing;

BE IT FURTHER RESOLVED, that a wetlands permit for the subject construction to be completed at 56A N. Cartwright, Shelter Island, New York, New York, is hereby granted, subject to the following conditions:

1. All construction shall be in full conformity with the Sherman Engineering & Consulting P.A. proposed Site Plan, dated December 30, 2022, which is based on a Peconic Surveyors P.C. Survey, dated November 4, 2019;
2. Construction procedures and erosion controls including the anchored installation and maintenance of silt fences during all stages of construction shall be required, and be designed to prevent any runoff from disturbed ground into the wetlands areas;
3. Soil disturbance should be minimized where possible;
4. Storm water management practices pursuant to Chapter 110 of the Town Code must be employed, or if preexisting, approved by the Building Inspector, to include what has been proposed by the applicant as shown on the subject site plan;
5. The construction site must be cleaned of all trash and debris on an ongoing basis with a minimum once per week;

6. All construction materials and equipment shall be staged outside the regulated area;
 7. Parking of all construction and delivery vehicles shall be on the property to the extent reasonably possible;
 8. No public street or public or private right-of-way may be obstructed or impaired during construction;
 9. Applicant must repair any damage to any adjacent public road or street caused by construction vehicles to the satisfaction of the Town Highway Superintendent;
 10. The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project;
 11. Noise controls shall be pursuant to the Town Code;
 12. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter;
 13. This permit shall only be valid for construction commencing within two years of the date of this approval;
 14. The Building Inspector may halt construction for any violation of these restrictions or of the Unified Code;
 15. The existing septic system currently located 30' from the wetlands shall be removed pursuant to Suffolk County Department of Health requirements;
 16. A new IA OWTS system shall be installed as per the 8.9.21 Suffolk County Department of Health approval;
 17. A salt zone or ozone disinfection system for the subject pool shall be installed and maintained;
 18. The property shall be revegetated and maintained as shown on Sherman Engineering & Consulting P.A. proposed Site Plan, dated November 8, 2022;
 19. Upon completion of the work approved pursuant to this permit, along with the completion of any applicable conditions, the applicant must call for a final inspection and receive a written certificate of compliance from the Building Inspector;
- BE IT FURTHER RESOLVED, that copies of this approval shall be filed with the Building Inspector.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 163

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

WHEREAS, on June 14, 2022, the Senior Building Inspector reported to the Town Board that the dwelling located at 9 Cozy Lane, Shelter Island is unsafe and in violation of several provisions of the New York State Uniform Fire Prevention and Building Code;

WHEREAS, the subject dwelling has been in a similar condition since at least 2018, and the owner has failed to remedy the situation after previous notice was given;

WHEREAS, pursuant to a review of the Town assessment records the subject property is owned by William Conroy of 36 Hillside Avenue, South Portland, Maine, 04106;

WHEREAS, pursuant to Section 45-4(A) of the Town Code the Town Board directed the Senior Building Inspector to ensure that notice is served on William Conroy notifying him of the unsafe conditions that exist at 9 Cozy Lane, Shelter Island, along with an order to remediate said conditions within 30 days of service or a hearing will be conducted to determine whether the Town Board will take measures to cure the unsafe conditions and charge the costs thereof to Mr. Conroy;

WHEREAS, the Senior Building Inspector served said notice pursuant to Section-45-4(B) of the Town Code by mailing same via certified mail to Mr. Conroy's last known address on July 7, 2022, and posted the subject dwelling with the same;

WHEREAS, the certified letter containing the notice was refused to be collected on July 11, 2022;

WHEREAS, on Wednesday, November 9, 2022, at 6p.m. the Town Board held a public hearing, pursuant to 45-4(C)(5) of the Town Code, to determine whether the subject dwelling is unsafe or dangerous to the public and if so whether to repair, secure, or demolish same;

WHEREAS, since William Conroy did not appear at said hearing, the Town Board elected to adjourn the hearing to March 14, 2023;

WHEREAS, the Town Board retained a private engineer, "Homeport Engineering P.C.", to inspect the subject dwelling and determine the structural integrity of same and on January 12, 2023, said engineer concluded that, "[t]here is probable reason to believe that the structure is at risk of imminent collapse...and recommends that house be demolished due to the current potential risk to health and safety that it poses";

WHEREAS, even though not required to do so by Town Code, the Town Board directed the Senior Building Inspector to again serve notice on William Conroy, by certified mail, to notify him of the continuation of the public hearing set for March 14, 2023, and to additionally retain the services of a process server to ensure notice;

WHEREAS, on March 3, 2023, William Conroy, accepted the subject certified mailing;
WHEREAS, on March 6, 2023, William Conroy was personally served with notice of the March 14, 2023 hearing and the consequences of not appearing or bringing the property into compliance;

WHEREAS, on March 13, 2023, the Town Engineer found that “the deterioration of the structural elements had progressed [since his last visit on November 9, 2022] [and]...the dwelling continues to be at risk of imminent collapse and is unsafe to enter”;

WHEREAS, at the subject hearing on March 14, 2023, the Senior Building Inspector substantiate the findings of both engineers;

WHEREAS, William Conroy did not attend the subject hearing, nor send any communication to the Town; and now therefore it be

RESOLVED, the Town Board hereby determines that the dwelling located at 9 Cozy Lane, Shelter Island, owned by William Conroy is unsafe, poses a danger to the public, is beyond repair, and requires immediate demolishing in its entirety and removal; and be it further

RESOLVED, that the Town Highway Department and Department of Public Works, in consultation with the Town Building Department and Town Engineer, is hereby directed to immediately demolish and remove the subject dwelling, including the foundation, located at 9 Cozy Lane, Shelter Island, and be it further

RESOLVED, that any personal property that may be removed safely, be done so, and stored for 90 days at the Town Impound Yard and released to William Conroy upon payment of costs, and if unclaimed auctioned off and the proceeds used for reimbursement for demolition and removal costs; and be it further

RESOLVED, that pursuant to Town Code Section 45-7 the Highway Superintendent is hereby directed to prepare a certificate of actual expenses and file same with the Shelter Island Assessor; and be it further

RESOLVED, that the Assessor is hereby directed to assess such expenses against 9 Cozy Lane, Shelter Island.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Supervisor Siller and seconded by Councilwoman Larsen, the special meeting was closed at 3:38 p.m. This motion was carried

Amber Wilson
Town Clerk

April 4, 2023

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 April, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, and approximately 14 persons were also present. Town Clerk Amber Wilson was present via zoom.

Salute to flag

Correspondence included the following

1. A letter from D.B. Bennett Engineering regarding the Waste Water Treatment Plan.
2. A letter from Bennet and Reed regarding the proposed moratorium.

RESOLUTION NO. 164

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

WHEREAS, the term of Elizabeth Hanley of the Community Housing Board expired on February 2, 2023, now, therefore

BE IT RESOLVED, That Elizabeth Hanley is hereby reappointed to serve as a member of the Community Housing Board for a term to expire on February 2, 2028.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 165

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

WHEREAS, the term of Gordon Gooding of the Community Preservation Advisory Committee expired on February 2, 2023, now, therefore

BE IT RESOLVED, That Gordon Gooding is hereby reappointed to serve as a Chairman of the Community Preservation Advisory Committee for a term to expire on February 2, 2026.

Vote 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 166

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

WHEREAS, the term of Marcus Kaasik of the Planning Board expired on December 31, 2022, now, therefore

BE IT RESOLVED, That Marcus Kaasik is hereby reappointed to serve as a member of the Planning Board for a term to expire on December 31, 2027.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 167

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

WHEREAS, the term of Peter Grand as a member of the Water Advisory Committee expired on April 2, 2023, 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, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 168

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

April 4, 2023 – continued

WHEREAS, the term of Greg Toner as a member of the Water Advisory Committee expired on April 2, 2023, now, therefore

BE IT RESOLVED, That Greg Toner is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 169

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

WHEREAS, the term of Ken Pysher as a member of the Water Advisory Committee expired on April 2, 2023, 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, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 170

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

WHEREAS, the term of Andrew Chapman as a member of the Water Advisory Committee expired on April 2, 2023, now, therefore

BE IT RESOLVED, That Andrew Chapman is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 171

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

WHEREAS, the term of Doug Sherrod as a member of the Water Advisory Committee expired on April 2, 2023, now, therefore

BE IT RESOLVED, That Doug Sherrod is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 172

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

WHEREAS, the term of Lisa Shaw as a member of the Water Advisory Committee expired on April 2, 2023, now, therefore

BE IT RESOLVED, That Lisa Shaw is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 173

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, the term of Elizabeth Bishop as a member of the Water Quality Improvement Advisory Board expired on April 2, 2023, now, therefore

BE IT RESOLVED, Greg Toner is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2028.

Vote: 5 in favor 0 opposed

The resolution was thereupon

RESOLUTION NO. 174

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

WHEREAS, the term of Greg Toner as a member of the Water Quality Improvement Advisory Board expired on February 2, 2023, now, therefore

BE IT RESOLVED, Greg Toner is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on February 2, 2028.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 175

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

WHEREAS, Kim Reilly has met the Civil Service requirements for Office Assistant, now, therefore

BE IT RESOLVED, That Kim Reilly is hereby appointed as Office Assistant with a probationary period of 26 weeks.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 176

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

BE IT RESOLVED, that Jared Hamilton is hereby appointed to serve as Detention Attendant for the year of 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 177

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

BE IT RESOLVED, That Jared Hamilton is hereby appointed to serve as Traffic Control Officer for the year of 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 178

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That Michelle Donohue is hereby appointed as part time cook for the Nutrition Program for the year of 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 179

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

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

WHEREAS, Matthew Williamson was appointed to serve as a member of the Waterways Management Advisory Council, and

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

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

BE IT RESOLVED, That the Town Board hereby appoints Matthew Williamson to the Waterways Management Advisory Council for a term to expire on February 1, 2026.

April 4, 2023 – continued

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 180

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

WHEREAS, The Shelter Island Fire Department Ladies Auxiliary has requested permission to hold their Annual East Egg Hunt on the corner of Cartwright Road and Burns Road on the property known as 'Saint Gabriel's Meadow' on Saturday, April 8th, 2023 from 11:00 a.m. until 3:00 p.m. with Sunday, April 9th, 2023 as the rain date, now, Therefore

BE IT RESOLVED, That the Shelter Island Fire Department Ladies Auxiliary request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 181

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

WHEREAS, the Town Board established a Comprehensive Plan Advisory Committee consisting of 12 members, and

WHEREAS, said Committee is hereby reduced to 9 members, now, Therefore

BE IT RESOLVED, that effective immediately the membership of the Comprehensive Plan Advisory Committee is hereby set at 9 members.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 182

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

WHEREAS, Cornell Cooperative Extension Marine Program appeared in front of the Water Quality Improvement Projects Advisory Board ("WQI") to make an application for funding for the costs associated with the Shellfish and Habitat Restoration in Support of Water Quality Improvement, and

WHEREAS, The proposed cost amount is \$200,000.00, and

WHEREAS, a public hearing was held March 14, 2023, for any to be heard in favor of or in opposition, now, therefore

BE IT RESOLVED, that said proposal is hereby approved, subject to the agreement

executed between Cornell Cooperative Extension Marine Program and the Town of Shelter Island.

Vote: 3 in favor 1 abstain 1 nay

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 183

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Serena Dugan, 37 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.073617° north and longitude -72.285644° 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 6:10 p.m., prevailing time, on the 25th day of April, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 184

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday April 25th, 2023, at 6:12 p.m., prevailing time to April 4, 2023 – continued

hear any and all persons either for or against a local law entitled “A LOCAL LAW adding a new Chapter 106, entitled “Rights-of-Way”, to prohibit certain obstructions into a public right of way, of which provides as follows:

LOCAL LAW NO. __ of 2023

A LOCAL LAW adding a new Chapter 106, entitled “Rights-of-Way”, to prohibit certain obstructions into a public right of way

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

Section 1. Legislative Intent.

The Town Board finds that dangerous conditions exist when certain obstructions, such as hedges and other vegetation, encroach from private property into a right of way or placed within, so as to significantly limit sight lines and access to road shoulders. Islanders and guests generally are active and enjoy walking, running, and biking, on our sometimes narrow and winding roads, and in order to protect their health, safety, and welfare, the rights of way need to be free and clear from obstructions in order to afford unimpeded sight lines and areas on the road shoulder to avoid oncoming vehicular traffic. It is the intent of this local law to protect those persons travelling on a road, whether vehicularly, by bike, or by foot, from the risk of injury that may reasonably be anticipated from reduced visibility and lack of a shoulder caused by overgrown vegetation.

Section 2. Amendment.

The Shelter Island Code is hereby amended by adding a new Chapter 106 to be entitled “Rights-of-Way” by adding the underlined words as follows:

§ 106-1. Title.

This Chapter shall be known and may be cited as “Rights-of -Way”.

§ 106-2. Definitions.

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

Obstruction—Material located within the boundaries of a highway including the right of way or “shoulder”, that interferes with public travel, whether vehicular, by bicycle, or foot, including vegetation, lumber, wood or logs, rocks, pipes, fencing, and athletic equipment.

Right-of-Way—The land owned by the state, county, or Town which is occupied or intended to be occupied by a road, sidewalk, and/or utility lines, such as electric, gas, oil, water, sanitary sewer or storm sewer. The right-of-way shall include the road, the sidewalk, any grass area or shoulder.

§ 106-3. Obstructions Prohibited.

It shall be prohibited for any person, firm, corporation to cause, permit, or allow any obstruction to exist within the right-of-way. It shall be the responsibility of the property owner to immediately remove all obstructions within the right-of-way adjoining their property and to restore the right-of-way to its original condition and design.

§ 106-4. Authority to serve notice and abate immediate danger.

The Superintendent of Highways, or their designee, or any Town of Shelter Island Police Officer may, if necessary, provide notice to be served upon owners, as hereinafter provided, to remove any obstruction which may exist upon a right of way adjoining their property. If there is an immediate danger to pedestrian, bicycle, or vehicular traffic, the obstruction may be removed immediately by the Superintendent of Highways or his designee, or a Town of Shelter Island Police Officer without prior notification to the adjoining property owner.

§ 106-5. Form of Notice; service of notice.

Whenever the Highway Superintendent or their designee or a Town of Shelter Island Police Officer requires the owners of land to correct violations of this chapter, the notice shall specify the place, manner, and time within which the subject obstruction shall be removed. The notice shall be served upon such owner or owners personally or by registered or certified mail, return receipt requested, at their last known address.

§ 106-6. Failure to comply; work done by the Town; costs.

April 4, 2023 – continued

Whenever a notice has been served upon such owner(s) of the subject property to correct violations of this chapter, and such owner(s) shall neglect or fail to comply with the requirements of such notice within the time frame provided therein, the Highway Superintendent shall be notified of such violation and shall immediately cause such obstruction to be removed. All costs and expenses expended therewith, including the restoration of the subject right of way to its original condition and design, shall be assessed against the land of the adjoining owner, and a statement of such expenses shall be presented to said owner and shall be posted on the subject premises. Such assessment shall constitute a lien upon such land. If the owner fails to pay such expenses within ten (10) days after the statement is presented or posted, a legal action may be commenced to collect such assessment or to foreclose upon such lien. As an alternative to such an action, the Highway Superintendent may file a certificate of actual expenses incurred, along with a statement identifying the property in connection with which the expenses were occurred and the owner thereof with the Assessors, who shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in levy against such property, shall constitute a lien and shall be collected and enforced in the same manner by the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Town of Shelter Island.

§ 106-7. Penalties.

Any person who neglects, refuses, or fails to comply with any order or notice issued hereunder shall be guilty of an offense punishable by a fine not to exceed \$2,000.00 or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment. Each day's continued violation shall constitute a separate additional offense or violation.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Town Law §130(7).

Section 4. Severability.

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

Section 5. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to protect the health, safety, and welfare of those who traverse Shelter Island roads by prohibiting obstructions within the shoulders thereof. It also allows the Town to remove such obstructions, if the property owners adjoining same fail to do so.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 185

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday April 25, 2023, at 6:14 p.m., prevailing time to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 105 entitled "Rental of Real Property", to eliminate owner occupied premises from being permitted as vacation rentals of which provides as follows:

LOCAL LAW NO. _____ of 2023

April 4, 2023 – continued

A LOCAL LAW amending Chapter 105 entitled "Rental of Real Property" to require safety inspections for all rental properties and eliminate owner occupied premises from being permitted as vacation rentals.

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

Section 1. Legislative Intent.

The Town Board has a duty to ensure that all rental dwelling units within the Town of Shelter Island are safe for its inhabitants and as such has determined that safety inspections, performed by either a licensed professional or the Building Department, are to be required prior to any use of same. Further, the Town Board finds that the lack of community housing opportunities impacts the ability of Shelter Island residents to secure necessary services. As such, the Town Board has determined that owner occupied premises, also known as accessory apartments, shall only be used as year-round rentals, as already required in the Zoning Code, and not for transient rentals of 14 days or less.

Section 2. Amendment.

Section 105-10 of the Shelter Island Code Chapter 129 (Rentals), is hereby amended by adding the underlined words as follows:

§ 105-10. Rental Regulations generally.

The following regulations apply to all rentals of real property on Shelter Island regardless of rental term.

- (1) Code compliance:** Any property offered for rent on Shelter Island shall have a valid and current certificate of occupancy or certificate of compliance and shall be in compliance with the New York State, Suffolk County and Shelter Island Town Building and Fire Codes.
- (2) Bedrooms limited:** The total number of rooms utilized as bedrooms in any property offered for rent on Shelter Island shall not exceed the number indicated on the building plans filed with the Building Department for the structure(s) in which the rental is located.
- (3) Occupancy:** The total occupancy of any rental shall not exceed two times the number of conventional legal bedrooms except that children of the age of three years of age shall not count toward the total.
- (4) Good neighbor brochure:** The owner shall provide a copy of the then current good neighbor brochure, as published in PDF format on the Town website, to each lessee prior to or at the commencement of the rental term and the same shall be considered part of the rental agreement.
- (5) Safety Inspection:** The owner shall provide a written certification, form to be provided by the Building Department, from a licensed architect, licensed engineer or licensed home inspector that states that the rental dwelling unit fully complies with all of the provisions of the Property Maintenance Code of the New York State Uniform Fire Prevention and Building Code and Code of the Town of Shelter Island. The certification shall include, but not be limited to, the number of bedrooms as indicated on the building plans filed with the Building Department for the structure(s) in which the rental is located, the square footage of each bedroom, the location of every smoke and carbon monoxide detector, and a description of every improvement indicated on the survey. In lieu of the provision of a certification, an inspection may be conducted by the Building Department, and in cases where questions or concerns exist regarding information presented within an application the Building Department retains the right to require an inspection.

Section 105-30 of the Shelter Island Code Chapter 129 (Rentals), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 105-30. Vacation rentals.

A. Vacation rentals generally prohibited. It shall be unlawful and a violation of this chapter for any person or entity that owns, rents or manages property on Shelter Island to rent, lease, or advertise

for rent any such property or any portion thereof (including any accessory apartment or accessory sleeping quarters) in any residential (A, AA and C) zone for a period of 14 days or less unless specifically permitted under § 105-30B or C below.

April 4, 2023 – continued

B.

Permitted vacation rentals. The following shall be permitted notwithstanding § 105-30A above so long as the property is properly registered under § 105-20; proper notification is made under § 105-21; and at registration the owner selects one of the following:

(1)

~~Owner-occupied premises. A residential property on Shelter Island may be rented as often as desired and without limit as to frequency or duration of term where one of the following is simultaneously domiciled on the same or immediately adjacent lot (including a legal accessory structure or bedroom) with tenant or tenants during a rental term:~~

~~**(a)**~~

~~Owner (or an uncompensated member of the owner's immediate family);~~

~~**(b)**~~

~~Trustee, beneficiary or settlor, if a trust;~~

~~**(c)**~~

~~President or majority shareholder, if a corporation; or~~

~~**(d)**~~

~~Member, if an LLC or partnership.~~

~~Member, if an LLC or partnership.~~

(2)

Homesteader's hardship license. A residential property on Shelter Island that is the owner's primary residence may be rented one time in each seven-day period between and including Memorial Day weekend and Labor Day weekend and one time in every fourteen-day period at all other times pursuant to the homesteader's hardship license, provided that:

(a)

At the time of registration, the owner submits proof of the following:

[1]

That the property to be rented is receiving a basic or enhanced star exemption; and

[2]

The owner has an annual gross income (less net rental income) of less than 500% of the United States Department of Health and Human Services Poverty Guidelines which must be verified each registration period by submission of an appropriate redacted copy of federal income tax returns for the most recent tax year. (Tax returns shall be reviewed to determine eligibility then returned or destroyed. No income tax records will be maintained by the Town.); and

(b)

Each qualifying owner and such person's nuclear family (including owner, domestic partner and minor children) is collectively limited to one homesteader's hardship license.

(c)

The homesteader's hardship license may not be combined with other permitted vacation rentals to increase the number of rentals allowed.

(d)

The term shall commence on the first day of occupancy.

(32)

Limited commercial vacation rental license. Vacation rentals are permitted pursuant to a vacation rental license as follows:

April 4, 2023 – continued

(a)

License. An owner (to include his or her nuclear family) not exempted by § **105-30B(1)** ~~or **(2)**~~ above and who has not had a previous license suspended or revoked on Shelter Island, upon application, may obtain to license one property on Shelter Island for use as a vacation rental; and

(b)

Frequency of rental. A vacation rental license permits the owner to rent the licensed premises one time in any fourteen-day period; and

(c)

Commencement of rental period. The fourteen-day period referenced above shall commence on the first day of the term of the initial rental and continue for the 13 following days; and

(d)

License term. A vacation rental license shall be valid for two calendar years to run concurrent with property registration at which time it must be renewed.

(e)

License fee. The fee for the vacation rental license shall be set by the Town Board.

(f)

Multiple licenses prohibited. No owner may be issued a vacation rental license if such person (or any member of his or her nuclear family) owns any interest in another property on Shelter Island for which they have already received or applied for a vacation rental license.

(g)

Corporate ownership. Any legal entity other than a natural person (including but not limited to a corporation, LLC, trust or partnership) may not be issued a vacation rental license on Shelter Island, if any owner, partner, member, settlor, trustee, beneficiary, shareholder, officer, or director of that entity already holds or has applied for a vacation rental license for another property.

(h)

Corporate disclosure. Any partnership, trust, LLC or corporate applicant for a vacation rental license must provide documentation naming all partners, members, settlors, trustees, beneficiaries, shareholders, officers and directors, and submit a statement verifying that none of those named are partners, members, settlors, trustees, beneficiaries, shareholders, officers and directors, of any other corporation or partnership, or an individual owner that already holds or has applied for a vacation rental license on Shelter Island.

(i) Nontransferable. The vacation rental license is specific to the property described on the license and to the individual or entity named on the permit. The vacation rental license may not be transferred, assigned or passed through an estate and does not authorize any person, other than the person named therein, to permit or arrange vacation rentals on the licensed property.

(j)

Agent required. The owner(s) of the vacation rental property must execute a written statement, which designates an agent for service for criminal and civil process pursuant to § 318 of the Civil Practice Law and Rules and must be either:

[1]

A person, firm, partnership or corporation with an actual place of business, or usual place of residence located within the boundaries of the Town of Shelter Island; and/or

[2]

The Town Clerk of the Town of Shelter Island.

(k)

Obligation to update address. Every owner of vacation rental property shall ensure that the address for service of process is current and shall advise the Town Clerk whenever the address is changed.

(l)

Neighbor contact. The owner must provide the Town of Shelter Island and to all neighbors within 200 feet of the property line of the vacation rental with:

(1)

Owner's personal cell phone number to call in the event of problems with the vacation rental; and/or

(2)

The name and telephone number of a local contact person including name, address, phone number, and email address designated as the owner or owner's agent or representative who resides on Shelter Island.

(m)

~~Self checklist. Every applicant for a vacation rental license must a notarized self checklist to be available on the Town website verifying the property's compliance with relevant Federal, New York State, Suffolk County and Shelter Island Town regulation.~~

(4)

Fund-raising rentals. Vacation rentals are permitted without limitation for the purpose of fundraising on the premises of Taylor's Island Foundation; the Nature Conservancy (Mashomack); Sylvester Manor or any other nonprofit charitable organization that seeks and obtains a waiver from the Town Board.

Section 3. Authority.

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

Section 4. Severability.

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

Section 5. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

One purpose of this amendment is to try and ensure that every rental dwelling unit within the Town provides a safe environment for the residents thereof. Additionally, it seeks to compel reversion back to the current requirement in the zoning code that accessory apartments, or accessory dwelling units, be solely used for year-round occupancy, and remove this administrative exception in order to put such dwelling units back into the residential year-round occupancy rental pool, in order to provide more community housing opportunities.

RESOLUTION NO. 186

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, April 25th, 2023, at 6:14 p.m., prevailing time, to hear any and all persons either for or against a local law entitled “ A LOCAL LAW to impose a twelve-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet” which provides as follows:

LOCAL LAW NO. ____ of 2023

one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet” which provides as follows:

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

Section 1. Legislative Intent.

The Town Board finds there has been an increase in the number of requests for the construction of dwellings and accessory structures, or additions thereto, that are larger than what is permitted, as of right. Consequentially, the Town Board has determined that there must be an immediate suspension of the acceptance and review of all new and pending special permit applications for, dwelling units and accessory structures, with a square foot living area larger than 5,999 s.f., until the Town Board can properly and comprehensively evaluate the potential impacts of granting such special permits on community character, the environment, and the aquifer. The Town Board is currently in the midst of updating the Town’s Comprehensive Plan and sound planning principles require the maintaining of the status quo to afford the appropriate time necessary to enact any result-ant amendments to the Zoning Code.

Section 2. Moratorium Imposed.

For the period of twelve (12) months immediately following the effective date of this local law, there is hereby imposed a moratorium on all applications for a special permit, from the Town Board, for the construction of, or alteration to an existing dwelling or accessory structure, that exceeds 5,999 s.f. of combined square foot living area located within the Town of Shelter Island and that no approvals, permits, actions, or decisions shall be made or issued by any Board or official of the Town of Shelter Island with respect to any such applications. This moratorium shall apply to all such applications, whether pending or received prior to the effective date of this law. No applications for special permits for square foot living area in excess of 5,999 s.f. shall be accepted by any Board, body, committee, official, or employee of the Town of Shelter Island while this law remains in effect.

Section 3. Effect of Moratorium.

Upon the effective date of this local law, no Board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of, or alteration of an existing dwelling or accessory structure, that exceeds 5,999 s.f. of combined square foot living area located within the Town of Shelter Island. Any statutory or locally enacted time periods for processing and making decisions on all aspects of such applications are hereby suspended and stayed while this Local Law is in effect. No person, corporation, or other entity shall undertake any site preparation, including but not limited to clearing, grading, and filling, or construction activities, with respect to any construction of, or alteration of an existing dwelling or accessory structure, that exceeds 5,999 s.f. of combined square foot living area.

Section 4. Penalties.

A. Failure to comply with any provision of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) or imprisonment for a period of not more than forty-five (45) days, or both. For purposes of this section, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled, and violations restrained by an order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney’s fees, and such amount shall be determined and assessed by the Court. If such expense is not paid in full within thirty (30) days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 5. Variance.

Any erosion or entity suffering unnecessary hardship as that term is used and construed in New York State Town Law section 267-b(2)(b), by reason of the enactment of this moratorium may apply to the Town Board for a variance excepting the person’s or entity’s premises from

the moratorium and allowing the issuance of a permit all in accordance with the provisions of Shelter Island Town Code applicable to such construction.

Section 6. Authority.

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

Section 7. Supersession.

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

Section 8. Severability.

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

Section 9. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

The purpose of this law is to temporarily suspend the acceptance and processing of special permit applications for larger homes with a square foot living area that exceeds 5,999 s.f. until the comprehensive plan is updated so as to ensure that such homes are currently in keeping with the community character and do not create excessive environmental harm.

RESOLUTION NO. 187

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

BE IT RESOLVED, That the following funds are hereby encumbered from 2022 to be expended in 2023 with 2022 funds, to wit:

\$154.00 from the A3120.487 PD uniform allowance account to the A3120.487 PD uniform allowance account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 188

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the following budget transfer is hereby approved:

\$59,000.00 from Contingency to the A1440.497 Engineering Professional Services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 189

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

April 4, 2023 – continued

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the sum of \$95.77 from Shelter Island IGA, LLC to the General Fund account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 190

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to submit the payment of \$67.45 from the A1220.491 account to CARR Business Systems for the billing period of 3/7/23-4/6/23.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:16 p.m., the Supervisor recessed the regular meeting and opened the public hearing on the proposed Local Law entitled “A Local Law amending Chapter 109, entitled “Shellfish”.

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

At 6:17 p.m. the Supervisor made a motion to adjourn this meeting at the request of the Local Bay men. Councilmen Ianfolla seconded. The motion was carried.

At 6:18 the Supervisor called to order the public hearing to be held as advertised on the proposed Local Law entitled “A Local Law amending Chapter 126, entitled “Vehicles and Traffic”.

The Town 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. One question was asked about the position of a Verizon Pole. The Chief of Police shared an image locating pole in question. There being no further 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 Liberty Lawn Care, LLC, special permit application.

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

The Supervisor made a motion to adjourn per applicants request. Councilwoman seconded. The motion was carried.

At 6:23 p.m. the Supervisor called to order the public hearing to be held as advertised on the application of Joseph Bocci, 2 Park Lane, to install a mooring in West Neck Bar at a location designated as latitude 41.06520° north and longitude -72.36360° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: application was discussed on March 6th and the Bay Constable inspected the site and will be placed in an existing spot which was approved 5-0.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:24 p.m., and called to order the public hearing to be held as advertised on the application of Deborah Mintz, 5 Margaret’s Drive, to install a mooring in West Neck Bay at a location designated as latitude 41.06586° north and longitude -72.08861° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: it's a takeover of an existing mooring with a similar sized boat. Approve 5-0 by the WMAC.

April 4, 2023 – continued

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:25 p.m., and called to order the public hearing to be held as advertised on the application of Eddy Quinlan, 8 Quaker Oath, to install a mooring at a location designated as latitude 41.08861° north and longitude -72.08861° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: very little discussion it's an open area so it was approved 5-0 by the WMAC.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:26 p.m., and called to order

the hearing to be held as advertised on the application of Bob Weinstein and Eric Hensley, 28 South Midway Road, to construct a 4' x 60' catwalk with a 3' x 16' aluminum ramp leading onto a 6' x 30' floating dock, floating dock will be secured with two anchor piling, supply and install a four tie-off piling.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: approve 5-0, but there was a pending a revision which has been made and the corrected application was submitted. The revision was pilings were too far out so they brought them into 20 feet away from the main dock.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the hearing closed at 6:27 p.m., and called to order the hearing to be held as advertised on the application of Jeremy Brownie, 2 Tarkettle Road, to construct a 4' x 68' long open grate fixed pier leading to a 4' x 12' long fixed pier in a "T" configuration with a 4' x 10' long ramp, leading to a 6' x 30' long float secured by a (4) 10" diameter piles.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC approved 5-0.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the hearing closed at 6:28 p.m., and reconvened the hearing on a proposed Local Law entitled "A Local Law amending Chapter 129 entitled "Wetlands".

The Supervisor opened the hearing for all to be heard in favor or in opposition. After a lengthy discussion, many expressed views either for or against the proposed Local Law. There being no further comments, the Supervisor made a motion to close this hearing at 7:00 p.m., open to comment for one week. Councilwoman Larsen seconded. The motion was carried.

At 7:01 p.m. the Supervisor reconvened the regular Town Board meeting.

RESOLUTION NO. 191

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

WHEREAS, a public hearing was held on Tuesday, April 4th 2023, to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 126, entitled "Vehicles and Traffic", to add new parking restrictions for the intersections of North Ferry

April 4, 2023 – continued

Road and Manwaring Road and West Neck Road and New York Avenue and for a certain area of South Ram Island Drive", now, therefore

BE IT RESOLVED, That the Town Board does hereby adopt Local Law No. 2 - 2023 entitled "Vehicles and Traffic", to wit

LOCAL LAW NO. 2 of 2023

A LOCAL LAW amending Chapter 126, entitled "Vehicles and Traffic", to add new parking restrictions for the intersections of North Ferry Road and Manwaring Road and West Neck Road and New York Avenue and for a certain area of South Ram Island Drive

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

Section 1. Legislative Intent.

The Town Board finds that there should be no parking at the intersections of North Ferry Road and Manwaring Road and West Neck Road and New York Avenue, and certain areas of South Ram Island Drive, as congestion at same limit sight distances and obstruct the use of the shoulders by bicycle and pedestrian traffic, thereby creating hazardous conditions.

Section 2. Amendment.

Section 126-8 of the Shelter Island Code Chapter 108 (Vehicles and Traffic), is hereby amended by adding the underlined words as follows:

§ 126-8. Parking Restrictions.

PP. No person shall park a motor vehicle or motorcycle at the intersection of North Ferry Road and Manwaring Road as follows: North and South sides of Manwaring Road 100' East from the stop sign at Manwaring Road and North Ferry Road.

QQ. No person shall park a motor vehicle or motorcycle within 130' feet on the North and South side of Manwaring Road, directly in front of and opposite of 12 Manwaring Rd. (Shelter Island Town Emergency Medical Service Building);

RR. No person shall park a motor vehicle or motorcycle at the intersection of West Neck Road and New York Avenue as follows: A span of 4 telephone poles on the north side of the West Neck Road east of the stop sign of West Neck Road and New York Avenue; south side of West Neck Road from the stop sign of West Neck Road and New York Avenue to the exit driveway of 29 West Neck Road; 95' west from the stop sign at West Neck Road and New York Avenue on the south side of West Neck Road; 100' west of the intersection of West Neck Road and New York Avenue on the north side of West Neck Road; east side of North Menantic Road from the stop sign of West Neck Road and New York Avenue to the entrance driveway of 29 West Neck Road; east side of North Menantic Road from the stop sign of West Neck Road and New York Avenue to the entrance driveway of 75 N. Menantic Road; 100' on the east and west sides of New York Avenue from the West Neck Road and New York Avenue Intersection;

SS. No person shall park a motor vehicle or motorcycle directly opposite Verizon Pole Number 7 286' North West on the east side of South Ram Island Drive.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Town Law §130(7).

Section 4. Severability.

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

Section 5. Effective Date.

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

April 4, 2023 – continued

SUMMARY OF PROPOSED LAW

The purpose of this local law is to protect the health, safety, and welfare of those who traverse Shelter Island roads by prohibiting parking at the intersections of North Ferry Road and Manwaring Road and West Neck Road and New York Avenue and a certain area of South Ram Island Drive.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 192

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

WHEREAS, Joseph Bocci, 2 Park Lane, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.06520° north and longitude -72.36360° west, and

WHEREAS, A public hearing was duly held on the 4th day of April, 2023, 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 aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared adopted.

RESOLUTION NO. 193

Supervisor Siller offered the following resolution, which was seconded by Councilwoman

Brach-Williams, to wit:

WHEREAS, Deborah Mintz, 5 Margaret's Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.06586° north and longitude -72.36331° west, and

WHEREAS, a public hearing was duly held on the 4th day of April, 2023, 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. 194

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

WHEREAS, Eddy Quinlan, 8 Quaker Path, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.08861° north and longitude -72.323011° west, and

WHEREAS, a public hearing was duly held on the 4th day of April, 2023, 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. 195

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Bob Weinstein & Eric Hensley, 28 South Midway Road, have petitioned the Town of Shelter Island for permission to construct a 4' x 60' catwalk with a 3' x 16' aluminum ramp leading onto a 6' x 30' floating dock, floating dock will be secure with two anchor piling, supply and install a four tie-off piling, and

WHEREAS, a public hearing was duly held on the 4th day of April, 2023, for all interested persons to be heard in favor of or in opposition to the proposed construction, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State

April 4, 2023 – continued

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 construction:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;

3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;

4. will not adversely affect the quality of the tidal waters, shoreline or beaches;

5. will not adversely affect the rights of adjacent residents; and

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

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

jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 196

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

WHEREAS, Jeremy Brownie, 2 Tarkettle Road, has petitioned the Town of Shelter Island for permission to construct a 4' x 68' long open grate fixed pier leading to a 4' x 12' long fixed pier in a "T" configuration with a 4' x 10' long ramp, leading to a 6' x 30' long float secured by a (4) 10" diameter piles, and

WHEREAS, a public hearing was held April 4th, 2023, for all interested persons to be heard in favor of or opposition to, 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

April 4, 2023 – continued

permit for the aforementioned construction as per specifications filed with the provision of no rafting on the outside of the finger, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand (\$300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand (\$500,000.00) dollars covering operations of the contractor pursuant to said permit, and

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 197

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

BE IT RESOLVED, That 2022 general claims numbered 2322 through 2331 in the amount of \$21,285.77; 2022 highway claims numbered 287 in the amount of \$124.18; and 2022 community preservation claim number 26 in the amount of \$3,188.50 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.

RESOLUTION NO. 198

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

BE IT RESOLVED, That 2022 general claims numbered 2332 through 2333 in the amount of \$13,465.65 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.

On motion of the Supervisor and seconded by Councilman Colligan the Town Board meeting was closed at 7:14 p.m. The motion was carried.

Amber Wilson

Town Clerk

April 11, 2023

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 11th day of April, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan, and Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Amber Wilson, and approximately four persons were also present. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 2:46 p.m.

RESOLUTION NO. 199

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that 2023 general claims numbered 390 through 534 in the amount of \$76,919.17, 2023 Highway claims numbered 44 through 60 in the amount of \$67,803.62, 2023 Community Preservation Fund claims number 4 in the amount of \$153.89, are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 200

Supervisor Siller offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, the term of Kathleen Gooding of the Taylor's Island Committee expired on February 2, 2023, now, therefore

BE IT RESOLVED, that Kathleen Gooding is hereby reappointed to serve as a member of the Taylor's Island Committee for a term to expire on February 2, 2026.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Supervisor Siller and seconded by Councilman Colligan, the special meeting was adjourned at 2:48 p.m. The motion was carried.

Amber Wilson

Town Clerk

April 25, 2023

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 25th day of April, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilman Barbara Jean Ianfolla and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Deputy Town Clerk Linda Cass and approximately thirty-five persons were also present. Councilman Colligan was absent.

Salute to flag

April 25, 2023 – continued

Supervisor Siller presented Ms. Marion Brownlie with a proclamation for her volunteer services.

Correspondence included the following

1. Two letters regarding the proposed moratorium.

RESOLUTION NO. 201

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, a vacancy exists on the Emergency Medical Services Advisory Group, and WHEREAS, the Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, that Jeanne Richardson is hereby appointed to serve as a member of the Emergency Medical Services Advisory Group for a term to expire on December 31, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 202

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

BE IT RESOLVED, that Clarissa Fischer is hereby appointed to serve as a Nutrition Program part time office assistant to be paid \$30.07 per hour, not to exceed 15 hours per week.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 203

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

WHEREAS, Dorothy Moorhead, 22 St. Mary's Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.086831° north and longitude -72.311946° 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 6:10 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 204

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Richard Hogan, 1 Shorewood Court, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.043322° north and longitude 72.325903° 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 6:12 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

April 25, 2023 – continued

RESOLUTION NO. 205

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, George DeMan, 4 Summerfield place has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system at a location designated as latitude 41.087696° north and longitude -72.35676° 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 6:14 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 206

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

WHEREAS, Robert Watt, 56 Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.072879° north and longitude -72.282324° 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 6:16 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 207

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.070988° north and longitude -72.375806° 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 6:18 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 208

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.071054° north and longitude -72.375439° 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 6:20 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

April 25, 2023 – continued

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 209

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.071149° north and longitude -72.375083° 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 6:22 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 210

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.071233° north and longitude -72.374743° 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 6:24 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 211

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.071319° north and longitude -72.374388° 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 6:26 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 212

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.071242° north and longitude -72.375699° 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 6:28 p.m., prevailing time, on the 16th day of May, 2023, in April 25, 2023 – continued

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. 213

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.071337° north and longitude -72.375352° 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 6:30 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 214

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.071429° north and longitude -72.374996° 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 6:32 p.m., prevailing time, on the 16th day of May, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 215

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Kristian Clark, 56 N. Cartwright Road, has petitioned the Town of Shelter Island for permission to construct stairs leading up to a new 4' x 101' fixed dock with a 4' x 30' fixed "L", -16" lower than dock, now, therefore,

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:34 p.m., prevailing time, on the 16th day of May, 2023, 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. 216

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

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WHEREAS, David Cohen, 62 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to construct a 4' x 10' ramp leading up to a 4' x 89' catwalk to stairs leading down to bottom.

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:36 p.m., prevailing time, on the 16th day of May, 2023, 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. 217

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

WHEREAS, Carine Maurer, 7 Dickerson Drive, has petitioned the Town of Shelter Island for permission to construct a 4' x 60' ramp down to a 4' x 70' catwalk. Install 3 ladders at seaward end.

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:38 p.m., prevailing time, on the 16th day of May, 2023, 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. 218

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

WHEREAS, Scudder Cottages, C/O Rodney Scudder, 34 Prospect Avenue, has petitioned the Town of Shelter Island for permission to remove 43' of existing bulkhead & 12' existing return. Construct 43' of new bulkhead & 12' return, in-kind in-place. Remove 36' of existing jetty & construct 42' of jetty, in-place. Remove 46' of existing jetty & construct 52' of jetty, in-place. Dredge 42' x 140' area from inlet to basin to -4.0' below MLW, removing approximately 1,000 cubic yards of soil. Dredge soil to be used as backfill landward of bulkhead. Remainder of soil to be used as fill in eroded areas as noted on site plan. Install 3' x 12' seasonal aluminum ramp onto 6' x 20' seasonal floating dock secured by (4) 10" diameter anchor piling. Remove existing 4' x 85' fixed dock. Construct a 5' x 100' from MHW fixed dock with 4' wide cross – over stairway to beach at inshore end. Install (4) 2-pile mooring dolphins at offshore end. Install two ladders. Provide for water & electric service to offshore end, now, therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:40 p.m., prevailing time, on the 16th day of May, 2023, 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.

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RESOLUTION NO. 219

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, May 16, 2023, at 6:42 p.m. to hear any and all persons either for or against a local law entitled "A LOCAL LAW to repeal Town Code Chapter 8 entitled "Ethics, Code of" in its entirety and replace same with a new Town Code Chapter 8 to be entitled "Ethics Code" of which provides as follows:

A LOCAL LAW to repeal Town Code Chapter 8 entitled “Ethics, Code of” in its entirety and replace same with a new Town Code Chapter 8 to be entitled “Ethics Code”.

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

Section 1. Legislative Intent.

The Town Board finds that:

1. Individuals working on behalf of the Town of Shelter Island (“the Town”) are public servants who are expected to perform their duties in the best interests of the Town. They may, however, encounter a situation in which what is best for the Town may be different from their own personal best interest. In such a case, there is a “conflict of interest.”

2. New York State’s General Municipal Law, Article 18 contains provisions prohibiting certain conflicts of interest of municipal officers and employees. The rules of that law apply to all Town employees, which include officers or employees, paid or unpaid. In brief:

§ 801 prohibits conflicts of interest in the context of contracts between the Town and one of its employees. Contracts that violate the statute may be void (§ 804), and the offending employee may be charged with a misdemeanor. Exceptions exist (§ 802) and the term “employee” is broadly defined to include family members and certain related private organizations.

§ 803 requires potential conflicts of interest to be disclosed.

§ 805-a also prohibits Town employees from:

- Soliciting gifts in connection with their Town employment.
- Disclosing confidential information acquired in connection with their Town employment.
- Entering into certain compensation agreements that may create a conflict of interest.

Town employees should familiarize themselves with Article 18. The law itself is posted in Town Hall, and the law and the Comptroller's description of it can be found on the Town’s website under the Board of Ethics.

3. Article 18 is not a comprehensive statute. Section 806 leaves to each municipality the
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task of adopting a code of ethics “setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them.” These codes cannot limit the reach of Article 18, but they may increase it. Section 806 requires that the Town’s Code specifically address certain issues, including disclosure of interests that an employee may have in legislation, holding certain investments or undertaking certain employment. It also authorizes the Town to address other potential ethical issues beyond those included in Article 18. It also authorizes the Town to establish a board of ethics, consisting of members who receive no compensation and administer the ethics code.

4. The Town of Shelter Island currently has a Code of Ethics that was adopted in 1970, which is implemented through the Town’s Board of Ethics. The current Code, however, does not fully comply with Article 18 and is in need of an update. The Shelter Island Town Board has asked the Board of Ethics to revise and clarify the Code, in the interest of protecting the Town from unethical activity and providing its employees with clear guidance in performing their duties.

Section 2. Amendment.

Shelter Island Code Chapter 8 (Ethics, Board of), is hereby repealed by deleting the stricken words and a new Chapter 8 (Ethics Board) is added by adding the underlined words as follows:

Article I

General Provisions

~~§ 8-1 Definitions.~~

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

~~**TOWN**~~

~~Any board, commission, district, council or other agency, department or unit of the government of the Town of Shelter Island.~~

~~**TOWN EMPLOYEE**~~

~~Any officer or employee of the Town of Shelter Island, whether paid or unpaid, whether serving a full-time, part-time or advisory capacity.~~

~~§ 8-2 Conflicts of interest.~~

~~No Town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.~~

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~~§ 8-3 Standards of behavior.~~

~~**A.**~~

~~No Town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.~~

~~**B.**~~

~~No Town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.~~

~~**C.**~~

~~No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.~~

~~**D.**~~

~~No Town employee shall engage in any transaction as representative or agent of the Town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.~~

~~**E.**~~

~~A Town employee shall not, by his conduct, give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any part or person.~~

~~**F.**~~

~~Each Town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.~~

~~**G.**~~

~~Each Town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.~~

~~**H.**~~

~~No Town employee employed on a full-time basis nor any firm or association of which such employee is a member nor a corporation, a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such employee serves or is employed.~~

~~**§ 8-4. Additional penalties.**~~

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~~In addition to any penalty contained in any other provision of law, any such Town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.~~

~~ARTICLE II~~

~~**Board of Ethics**~~

~~**§ 8-5 Establishment; membership.**~~

~~There is hereby established a Board of Ethics consisting of five members to be appointed by the Town Board, all of whom reside in the Town of Shelter Island and who shall serve without compensation and at the pleasure of the Town Board of the Town of Shelter Island. A majority of such members shall be persons other than Town employees, but the Board shall include at least one member who is an elected or appointed Town employee of the Town of Shelter Island.~~

~~**§ 8-6 Powers.**~~

~~The Board of Ethics established hereunder shall render advisory opinions to Town employees on written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.~~

~~**§ 8-7. Promulgation of rules and regulations; records.**~~

~~Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings~~

~~ARTICLE III~~

~~**Administration**~~

~~**§ 8-8. Distribution and posting of copy.**~~

~~Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every Town employee of this Town. Failure to distribute any such copy or failure of any Town employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor on the enforcement provisions hereof.~~

~~**§ 8-9. Filing of copy.**~~

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~~Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.~~

~~**§ 8-10. Appropriation of moneys.**~~

~~The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except within the appropriations provided herein.~~

Chapter 8

Code of Ethics

ARTICLE 1 Standards of Conduct

§ 8-1. Purpose.

Officers and employees of the Town of Shelter Island hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. Clear standards will also protect ethical public officials and rebut unfair allegations. This Code of ethics establishes those standards.

§ 8-2. Definitions.

ARTICLE 18- New York State's General Municipal Law, Article 18.

BOARD- The Town Board and any other administrative board, committee, or other agency or body comprised of two or more Town officers or employees.

CODE- This Code of Ethics.

FINANCIAL BENEFIT- Anything of value, whether in the form of money, property, services, loan, travel, entertainment, hospitality, or promise, or any other form. The benefit can be direct or indirect but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or an area of the Town, or a lawful class of such residents or taxpayers.

HOUSEHOLD- Those persons residing within the same dwelling unit.

INTEREST IN A CONTRACT- A Town officer or employee has an interest in a contract when they, their spouse, minor child, dependent, or corporation in which the Town employee is an owner, officer or employee, would secure a financial benefit under the contract.

INTEREST IN A PRIVATE ORGANIZATION- A Town officer or employee is deemed to have an interest in any private organization when they, their spouse, or a relative, is an owner, partner, member, director, officer, employee, or directly or, in the case of a

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corporation, indirectly owns or controls more than 5% of the corporation's outstanding stock.

OFFICER or EMPLOYEE- Any Town employee whether paid or unpaid, whether serving full-time, part-time or in an advisory capacity.

RELATIVE- A spouse, brother, sister, parent, child, grandchild, or the spouse of any of them, or a household member of an officer or employee.

TOWN- The Town of Shelter Island.

§ 8-3. Applicability

This Code applies to the officers and employees of the Town and shall supersede any prior Town code of ethics. The provisions of this Code shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 and all rules, regulations, policies and procedures of the Town.

§ 8-4. Prohibition on use of Town position for personal or private gain.

No officer or employee shall use their Town position or official powers and duties to secure a financial benefit for themselves, a relative, or any private organization in which the employee is deemed to have an interest.

§ 8-5. Disclosure of interest in legislation and other matters where discretion is used.

A. Whenever a matter requiring the exercise of discretion, including proposed legislation, comes before an officer or employee, either individually or as a member of a board or committee, and disposition of the matter could result in a financial benefit to the officer or employee, a relative of theirs, or any private organization in which they are deemed to have an interest, the officer or employee shall disclose in writing the nature of the financial benefit.

B. The disclosure shall be made when the matter requiring disclosure first comes before the officer or employee, or when the officer or employee first acquires knowledge of the benefit requiring disclosure, whichever is earlier.

C. In the case of a person serving in an elective office, the disclosure shall be filed with the Town Board and the Board of Ethics. In all other cases, the disclosure shall be filed with the Board of Ethics and that person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the officer, employee or board having the power to appoint the person's position. In addition, in the case of a person serving on a board, a copy of the disclosure shall be filed with said board and included in the minutes of the board's meeting.

§ 8-6. Recusal and abstention.

No officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including proposed legislation,

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when they know or have reason to know that the action could confer a financial benefit on the employee, a relative, or any private organization in which the employee is deemed to have an interest. Further, once recused, that person may not be in the room (or appear via videoconferencing) when the matter is being discussed, voted on, nor participate in any discussions or communications including e-mail or text regarding it.

§ 8-7. Prohibition inapplicable; disclosure, recusal and abstention not required.

This Code's prohibition on use of a Town position (§ 8-4), disclosure requirements (§ 8-5), and requirements relating to recusal and abstention (§ 8-6), shall not apply with respect to the following matters:

A. adoption of the Town's annual budget;

B. any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

- (1) all officers or employees;
- (2) all residents or taxpayers of the Town; or
- (3) the general public; or

C. any matter that does not require the exercise of discretion.

§ 8-8. Investments in conflict with official duties.

A. No officer or employee may acquire the following investments:

- (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 8-6 of the Code; or
- (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of their official powers and duties.

B. This section does not prohibit a Town officer or employee from acquiring any other investments or the following assets:

- (1) less than five percent of the stock of a publicly traded corporation, or
- (2) bonds or notes issued by the Town and acquired more than one year after the date

on which they were originally issued.

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

A. No officer or employee, during their tenure as an officer or employee, may engage in any private employment that may be in substantial conflict with the proper discharge of their duties, when:

(1) it can be reasonably expected to require more than sporadic recusal and abstention pursuant to
§ 8-6 of the Code, or

(2) it can be expected to require disclosure or use of confidential information gained
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by reason of serving as an officer or employee, or

(3) it requires representation of a person or organization other than the Town in connection with litigation, negotiations, or any other matter to which the Town is a party.

B. No officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any board of which the officer or employee is a member, or has the power to appoint any member, nor for compensation for services to be rendered in relation to any matter before any agency of the Town whereby compensation is to be dependent or contingent upon any action by such agency with respect to such matter.

C. No officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any board, if the compensation is dependent or contingent upon any action by such board or committee with respect to such matter. This paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

§ 8-10. Future employment.

A. No officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

B. No officer or employee, for the one-year period after serving as an officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the Town office, board, department or comparable organizational unit for which they served.

C. No Town officer or employee, at any time after serving as an officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which the employee personally and substantially participated while serving as a Town officer or employee.

§ 8-11. Personal representations and claims permitted.

The Code shall not be construed as prohibiting an officer or employee from representing themselves, or their spouse or minor children before the Town; or asserting a claim against the Town on their own behalf, or on behalf of their spouse or minor children.

§ 8-12. Use of Town resources.

Town resources shall be used for lawful Town purposes.

A. No officer or employee may use or permit the use of Town resources for personal
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or private purposes. Town resources include, but are not limited to, Town personnel,

and the Town's money, vehicles, equipment, materials, supplies or other property. Provided, this provision shall not be construed as prohibiting:

- (1) any use of Town resources authorized by law or Town policy;
 - (2) the use of Town resources for personal or private purposes when provided to a Town officer or employee as part of their compensation; or
 - (3) the occasional and incidental use during the business day of Town telephones and computers for necessary personal matters such as family care and changes in work schedule.
- B. No officer or employee shall cause the Town to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 8-13. Interests in Contracts.

A. Article 18 requires no officer or employee may have an interest in a contract with the Town when such officer or employee, individually or as a member of a board, has the power or duty to:

- (1) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- (2) audit bills or claims under the contracts, or
- (3) appoint an officer or employee who has any of the powers or duties set forth above.

B. Exceptions to this prohibition are detailed in Article 18, Section 802. These include an exception for contracts entered into prior to the time a Town employee was elected or appointed, and an exception for contracts which in the aggregate do not exceed \$750 in a fiscal year

C. Every officer and employee shall disclose interests in contracts with the Town at the time and in the manner as follows: Any Town officer or employee or their spouse, minor child or dependent, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the Town, shall publicly disclose the nature and extent of such interest in writing to their immediate supervisor, or if a member of a Board to said board, and to the Board of Ethics as soon as the employee has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body. Disclosure and recusal do not cure a prohibited interest.

§ 8-14. Political Solicitations.

A. No officer or employee shall directly or indirectly compel or induce a subordinate Town officer or employee to make, or promise to make, any political contribution,

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whether by gift of money, service or other thing of value.

B. No officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any Town officer or employee, or an applicant for a position as a Town officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

§ 8-15. Confidential Information.

No officer or employee who acquires confidential information in the course of exercising or performing their official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing their official powers and duties.

§ 8-16. Gifts.

No Town officer or employee shall directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, property, service, loan, travel, entertainment, hospitality, or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any official action on his their part;

§ 8-17. Disclosure in certain applications.

A. Section 809 of Article 18 imposes strict disclosure requirements on persons applying for variances, exemptions, and other approvals from local planning and zoning regulations. In general, it provides that the applicant must identify any local officer or employee who has an interest in the application. As applied to Shelter Island, every applicant for a variance, land-use amendment, change of zoning, or approval of subdivision map from the Town Board, Zoning Board of Appeals, Planning Board, Town Clerk or Building Department must disclose information pertaining to any interest that a Town officer or employee, their spouse, parents, siblings, children, grandchildren (or the spouses of any of them) may have in the application.

B. Section 809 (5) provides that one who knowingly and intentionally violates this disclosure requirement shall be guilty of a misdemeanor.

ARTICLE 2 Administration

§ 8-18. Board of Ethics.

A. Article 18, § 808 permits the creation of a Town Board of Ethics (also referred to as “Ethics Board”). This Code hereby authorizes the creation of such a board. The

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Town Board believes that an independent Ethics Board will assure the public interest in applying this Code without bias or favoritism.

B. The Board of Ethics shall consist of five members, all of whom reside in the Town of Shelter Island and who shall serve without compensation, to be appointed by the Town Board for staggered five- year terms. A majority of such members shall be persons other than Town employees, but the Board shall include at least one member who is a Town employee.

C. Conditions of Board of Ethics membership.

(1) No person may be appointed as a member of the Ethics Board who is a current elected Town officer; or an officer of any local, county or state political party, association, club or independent political committee subject to regulations of the state election law; or a campaign manager, consultant or treasurer for a political party committee or individual election campaign committee or has served in such political capacity during the past twenty-four months.

(2) An Ethics Board member shall promptly resign if entering a campaign race as a candidate for public office; or as a campaign manager, consultant, or treasurer for a political party committee or individual election campaign committee; or when recusal has become prevalent for such individual for matters before the Board of Ethics.

(3) An Ethics Board member may be removed for cause by the Town Board upon any of the following grounds:

- a. Failure to meet the qualifications set forth in § 8-19 of this chapter; or
- b. Substantial neglect of duty; or
- c. Gross misconduct in office; or
- d. Inability to discharge the powers or duties of office; or
- e. A violation of this chapter.

D. The Ethics Board shall have the following substantive authority:

(1) Town officers and employees may request advice from the Ethics Board concerning their personal compliance with this Code of Ethics. In response to such a request, and after due consideration, the Ethics Board shall issue a confidential advisory opinion to the requesting party.

(2) In the event any person believes in good faith that a Town employee or officer is engaged in activity that violates this Code, they may file a complaint with the Board of Ethics. The Board of Ethics will investigate such a complaint and issue an opinion on the complaint if it believes there is probable cause of a Code violation. In the absence of such, it will dismiss the complaint.

(3) The Board of Ethics may act on its own motion to initiate an investigation into an employee's alleged violation of this Code.

(4) Upon the written request of the Town Board, of a Town officer or employee, or of any contracting party, the Ethics Board shall investigate and provide to the Town

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Board a written report and recommendation concerning any Town contract or agreement that may be void pursuant to Article 18, Section 804. Additionally, the Ethics Board may, in its discretion, undertake such an investigation upon its own initiative, in which case it may present a report and recommendation to the Town Board.

§ 8-19. Investigations.

A. Upon receipt of a written complaint alleging a violation of this Code or upon determining on its own initiative that a violation of the Code may exist, the Ethics Board shall have the power and duty to conduct with reasonable promptness any investigation necessary to carry out the provisions of this Code. Written complaints must include the name of the individual complainant. Upon request, the name of a complainant may be kept confidential. If the Board determines that a complaint is frivolous on its face or the alleged violation would be *de minimis*, it may dismiss it without further investigation.

B. In conducting any such investigation, the Ethics Board may administer oaths or affirmations, compel attendance of witnesses, and require the production of any books or records that it may deem relevant and material. The Ethics Board shall make a reasonable effort to obtain voluntary cooperation prior to exercising or enforcing their right to compel testimony. Further, the Ethics Board shall take steps to ensure that every individual's right to due process is protected.

C. Any person filing a complaint with the Ethics Board, and every person who is alleged in such a complaint to violate this Code, shall be notified in writing of the disposition of the complaint.

D. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this Code, or any other law, the Ethics Board shall promptly transmit to the Town Board a copy of the complaint.

§ 8-20. Administration and reporting.

The Board of Ethics shall have the following administrative duties:

A. To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this Code.

B. To review, index, maintain on file, and dispose of complaints alleging violations of this Code and to make notifications and conduct investigations. The Board of Ethics shall have the confidential advice of legal counsel employed by the Town or outside counsel and the services of a confidential clerk employed by the Town to keep minutes and files.

C. To forward its opinions responding to complaints or opinions on its own motion to the Town Board with any recommendations for disciplinary actions and penalties.

D. To make public on the Ethics Board website its opinions in a brief summary form
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that removes all personal identifying information.

E. To prepare an annual report to the Town Supervisor and Town Board, summarizing the activities of the Ethics Board. The report may also recommend changes to the text or administration of this Code. The Ethics Board shall periodically review this Code and the Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable common sense standards of conduct.

§ 8-21. Penalties.

A. Disciplinary action.

Any officer or employee who engages in any action that violates any provision of this chapter may be warned, reprimanded, suspended, or removed from office or employment, and may be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

B. Civil fine.

Any person who violates any provision of this chapter may be subject to a civil fine not to exceed \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture. A fine may only be imposed by the Town Board, subject to a hearing and any applicable provisions of law and collective bargaining agreements, or appropriate court of law.

C. Damages.

(1) Any person who violates any provision of this chapter shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture.

(2) A finding of damages may only be made by the Town Board or an appropriate court of law.

D. Civil forfeiture.

(1) Any person who intentionally or knowingly violates any provision of this chapter may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil fine pursuant to § 8-21B or damages pursuant to § 8-21C. Treble damages and/or civil forfeiture may only be imposed by the Town Board or a court of appropriate authority.

(2) The Town Board may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction to obtain civil forfeiture, pursuant to this section.

E. Misdemeanor.

Any Town officer or employer who intentionally violates any provision of § 8-13 shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall forfeit his or her Town office or employment, subject to any applicable provisions of law and collective bargaining agreements.

F. Prosecutions.

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The Ethics Board may refer any information that it receives concerning a possible criminal violation to the appropriate prosecutor or other law enforcement agency. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any violation of this chapter or of any other law.

G. Limit on Ethics Board.

Nothing in this section shall be construed to permit the Ethics Board to take any action with respect to any alleged violation of this chapter, or of any other law, by the Ethics Board or by any member or staff member thereof.

H. Town Board response to the Ethics Board.

The Town Board shall, within 45 days of receipt of a written referral, pursuant to this section, from the Ethics Board, respond in writing and state in sum and substance the Town Board's intention with respect to the referral.

§ 8-22. Posting and distribution.

A. The Town Clerk will ensure that a copy of (i) Article 18, (ii) this Code, and any subsequent amendments thereto, are posted publicly and conspicuously in Town Hall and any additional buildings in which Town employees and officers conduct business.

B. The Town Clerk will ensure that Article 18, this Code, and any subsequent amendments thereto, are posted on the Town's website, and all officers and employees of the Town will be notified by email that they should review the same, and shall periodically attest, upon hiring and at least every five years thereafter, that they have received and reviewed the Code of Ethics. The failure of an officer or employee to review the posted material does not affect either the applicability or enforceability the same.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Article 18 of General Municipal Law.

Section 4. Severability.

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

Section 5. Effective Date.

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

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

April 25, 2023 – continued

SUMMARY OF PROPOSED LAW

The purpose of this local law is to replace the current Ethics Chapter, within the Town Code, with one that is more comprehensive and fully compliant with Article 18 of the New York State General Municipal Law which governs municipal ethics. This law will serve to protect against potential Town Employee and Officer misconduct, provide guidance to same, and protect the innocent Employee and Officer from aspersions.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 220

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, May 16th, 2023, at 6:45 p.m., prevailing time to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 105 entitled "Rental of Real Property", to eliminate owner occupied premises from being permitted as vacation rentals of which provides as follows:

LOCAL LAW NO. __ of 2022

A LOCAL LAW amending Chapter 105 entitled "Rental of Real Property", to eliminate owner occupied premises from being permitted as vacation rentals.

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

Section 1. Legislative Intent.

The Town Board finds that the lack of community housing opportunities impacts the ability of Shelter Island residents to secure necessary services. As such, the Town Board has determined that owner occupied premises, also known as accessory apartments, shall only be used as year-round rentals, as already required in the Zoning Code, and not for transient rentals of 14 days or less.

Section 2. Amendment.

Section 105-30 of the Shelter Island Code Chapter 129 (Rentals), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 105-30. Vacation rentals.

A. Vacation rentals generally prohibited. It shall be unlawful and a violation of this chapter for any person or entity that owns, rents or manages property on Shelter Island to rent, lease, or advertise for rent any such property or any portion thereof (including any accessory apartment or accessory sleeping quarters) in any residential (A, AA and C) zone for a period of 14 days or less unless specifically permitted under § 105-30B or C below.

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B.

Permitted vacation rentals. The following shall be permitted notwithstanding § 105-30A above so long as the property is properly registered under § 105-20; proper notification is made under § 10521; and at registration the owner selects one of the following:

(1)

~~Owner occupied premises. A residential property on Shelter Island may be rented as often as desired and without limit as to frequency or duration of term where one of the following is simultaneously domiciled on the same or immediately adjacent lot (including a legal accessory structure or bedroom) with tenant or tenants during a rental term:~~

~~(a)~~

~~Owner (or an uncompensated member of the owner's immediate family);~~

~~(b)~~

~~Trustee, beneficiary or settlor, if a trust;~~

~~(c)~~

~~President or majority shareholder, if a corporation; or~~

~~(d)~~

~~Member, if an LLC or partnership.~~

~~Member, if an LLC or partnership.~~

(2)

Homesteader's hardship license. A residential property on Shelter Island that is the owner's primary residence may be rented one time in each seven-day period between and including Memorial Day weekend and Labor Day weekend and one time in every fourteen-day period at all other times pursuant to the homesteader's hardship license, provided that: (a)

At the time of registration the owner submits proof of the following:

[1]

That the property to be rented is receiving a basic or enhanced star exemption; and

[2]

The owner has an annual gross income (less net rental income) of less than 500% of the United States Department of Health and Human Services Poverty Guidelines which must be verified each registration period by submission of an appropriate redacted copy of federal income tax returns for the most recent tax year. (Tax returns shall be reviewed to determine eligibility then returned or destroyed. No income tax records will be maintained by the Town.); and

(b)

Each qualifying owner and such person's nuclear family (including owner, domestic partner and minor children) is collectively limited to one homesteader's hardship license.

(c)

The homesteader's hardship license may not be combined with other permitted vacation rentals to increase the number of rentals allowed.

(d)

The term shall commence on the first day of occupancy.

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(32)

Limited commercial vacation rental license. Vacation rentals are permitted pursuant to a vacation rental license as follows:

(a)

License. An owner (to include his or her nuclear family) not exempted by § ~~105-30B(1)~~ ~~or (2)~~ above and who has not had a previous license suspended or revoked on Shelter Island, upon application, may obtain to license one property on Shelter Island for use as a vacation rental; and

(b)

Frequency of rental. A vacation rental license permits the owner to rent the licensed premises one time in any fourteen-day period; and

(c)

Commencement of rental period. The fourteen-day period referenced above shall commence on the first day of the term of the initial rental and continue for the 13 following days; and

(d)

License term. A vacation rental license shall be valid for two calendar years to run concurrent with property registration at which time it must be renewed.

(e)

License fee. The fee for the vacation rental license shall be set by the Town Board.

(f)

Multiple licenses prohibited. No owner may be issued a vacation rental license if such person (or any member of his or her nuclear family) owns any interest in another property on Shelter Island for which they have already received or applied for a vacation rental license.

(g)

Corporate ownership. Any legal entity other than a natural person (including but not limited to a corporation, LLC, trust or partnership) may not be issued a vacation rental license on Shelter Island, if any owner, partner, member, settlor, trustee, beneficiary, shareholder, officer, or director of that entity already holds or has applied for a vacation rental license for another property.

(h)

Corporate disclosure. Any partnership, trust, LLC or corporate applicant for a vacation rental license must provide documentation naming all partners, members, settlors, trustees, beneficiaries, shareholders, officers and directors, and submit a statement verifying that none of those named are partners, members, settlors, trustees, beneficiaries, shareholders, officers and directors, of any other corporation or partnership, or an individual owner that already holds or has applied for a vacation rental license on Shelter Island.

(i)

Nontransferable. The vacation rental license is specific to the property described on the license and to the individual or entity named on the permit. The vacation rental license may not be transferred, assigned or passed through an estate and does not authorize any person, other than the person named therein, to permit or arrange vacation rentals on the licensed property.

(i)

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Agent required. The owner(s) of the vacation rental property must execute a written statement, which designates an agent for service for criminal and civil process pursuant to § 318 of the Civil Practice Law and Rules and must be either:

(1)

A person, firm, partnership or corporation with an actual place of business, or usual place of residence located within the boundaries of the Town of Shelter Island; and/or

[2]

The Town Clerk of the Town of Shelter Island.

(k)

Obligation to update address. Every owner of vacation rental property shall ensure that the address for service of process is current and shall advise the Town Clerk whenever the address is changed.

(l)

Neighbor contact. The owner must provide the Town of Shelter Island and to all neighbors within 200 feet of the property line of the vacation rental with:

[1]

Owner's personal cell phone number to call in the event of problems with the vacation rental; and/or

[2]

The name and telephone number of a local contact person including name, address, phone number, and email address designated as the owner or owner's agent or representative who resides on Shelter Island.

(m)

Self checklist. Every applicant for a vacation rental license must a notarized self checklist to be available on the Town website verifying the property's compliance with relevant Federal, New York State, Suffolk County and Shelter Island Town regulation.

(4)

Fund-raising rentals. Vacation rentals are permitted without limitation for the purpose of fundraising on the premises of Taylor's Island Foundation; the Nature Conservancy (Mashomack); Sylvester Manor or any other nonprofit charitable organization that seeks and obtains a waiver from the Town Board.

Section 3. Authority.

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

Section 4. Severability.

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

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Section 5. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to revert back to the current requirement in the zoning code that accessory apartments, or accessory dwelling units, be solely used for year-round occupancy, and remove this administrative exception in order to put such dwelling units back into the residential year-round occupancy rental pool, in order to provide more community housing opportunities.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 221

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

WHEREAS, bids were received by the Town Clerk's office for disposal of C&D waste, which were opened publicly and read as follows:

Crown Recycling: \$89.50 per ton
Peconic Transfer & Recycling: \$90.00 per ton
Winter Brothers Recycling: \$89.50 per ton; and

WHEREAS, the Commissioner of Public Works has reviewed said bid, now,
Therefore

BE IT RESOLVED, that said bid is hereby awarded to Crown Recycling.
Vote 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 222

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

WHEREAS, bids were received by the Town Clerk's office for Asphalt delivered and applied as well as asphalt picked up, which were opened publicly and read as follows:

Corazzini Asphalt Asphalt delivered and applied: \$124.50
Asphalt picked up: \$92.00

WHEREAS, the Commissioner of Public Works has reviewed said bid, now,
Therefore

BE IT RESOLVED, that said bid is hereby awarded to Corazzini Asphalt.
Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 223

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, bids were received by the Commissioner of Public Works for hauling of hazardous waste, which were opened publicly and read as follows:

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MXI Inc.: \$200.00 - \$350 per 55-gallon drum
\$3,500.00 with on-site technician per event; and
Island Pump & Tank: \$332.00 - \$787.00 per 55 gallon drum
\$5,975.00 with on site technician and pick up; and

WHEREAS, the Commissioner of Public Works has reviewed said bid, now, Therefore
BE IT RESOLVED, that said bid is hereby awarded to MXI Inc.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 224

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, Request for Proposals were received by the Commissioner of Public Works until 3 p.m. on the 22nd day of February, 2023, for Electrical Services, at which time they were opened publicly and read as follows:

Dickerson Electric Co. INC Service Call Rate: \$140.00
Emergency Call Rate: \$250.00
Labor Rate: \$140.00/hour; and

WHEREAS, the Commissioner of Public Works has reviewed said proposal, now, Therefore

BE IT RESOLVED, that said request is hereby awarded to Dickerson Electric Co. INC.
Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 225

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

WHEREAS, Request for Proposals were received by the Commissioner of Public Works until 3 p.m. on the 22nd day of February for Heating and Cooling System Services, which were opened publicly and read as follows:

Zurab's HVAC INC Service Call Rate: \$140.00
Emergency Call Rate: \$180.00
Labor Rate: \$140/ hour; and

WHEREAS, the Commissioner of Public Works has reviewed said proposal, now, Therefore

BE IT RESOLVED, that said request is hereby awarded to Zurab's HVAC.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 226

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

WHEREAS, Request for Proposals were received by the Commissioner of Public Works until 3 p.m. on the 22nd day of February for Tree Services, which were opened publicly and read as follows:

DC Tree Services Corp. Ariel Truck with Operator: \$2,500/day

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\$250.00/hour

Ariel Truck used for Street lights Service: \$2,500/day

\$250.00/hour

WHEREAS, the Commissioner of Public Works has reviewed said proposal, now, Therefore

BE IT RESOLVED, that said request is hereby awarded to DC Tree Services Corp.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 227

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized to execute the contract between the Town of Shelter Island and Solitude for harvesting of undesirable and harmful aquatic vegetation in Fresh Pond. Project is not to exceed \$17,496.00 and funds are to be reimbursed to the Town of Shelter island up to \$10,000.00 from the Fresh Pond Neighbor Association.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 228

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the following:

\$69.42 from Mullen Motors to the A4540.485 Ambulance Vehicle Maintenance account for an invoice overpayment; and

\$3,760.50 from Creative Information Systems to the A8160.484 Landfill Office & Misc. account for an invoice overpayment; and

\$266.66 from Suffolk County to the A3120.200 Police Department Equipment account for scrapped vehicle; and

\$2,716.84 from Suffolk County to the DA2302B account for snow removal reimbursement.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 229

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$200.00 from the A3120.484 account to iconectiv, LLC, for ELEP transactions.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 230

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

WHEREAS, a public hearing was held on Tuesday, March 21, 2023 and April 4, 2023, to hear any and all persons either for or against a Local Law entitled "A LOCAL LAW amending Chapter 129 entitled "Wetlands", to transfer approval authority from the Town Board to the Planning Board, enhance the application process, and remedy the clearing inconsistency of which provides as follows:

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A LOCAL LAW amending Chapter 129 entitled “Wetlands”, to transfer approval authority from the Town Board to the Planning Board, enhance the application process, and remedy the clearing inconsistency,

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

Section 1. Legislative Intent.

The Town Board finds that the Planning Board due to its collective knowledge of the environment, construction practices, and property design, is the proper board to review and decide upon wetlands permit applications. The Planning Board has heretofore reviewed every wetlands application and provided well-reasoned recommendations to the Town Board to act, thus they are well equipped to accept this delegation which will ultimately streamline the process to save both Town administrative resources and the applicant’s time. Further, the Town Board has determined that the application process could be enhanced, the clearing inconsistency between the clearing code provision and the Wetlands Table can be cured.

Section 2. Amendment.

Section 108(2) of the Shelter Island Code Chapter 129 (Wetlands), is hereby amended by deleting the stricken words and adding the underlined words as follows:

ARTICLE II
Permits

§ 129-2. Permit required. [Amended 12-2-2011 by L.L. No. 7-2011; 4-13-2018 by L.L. No. 3-2018]

Any regulated activity in, on or over or within the regulated area, entirely or in part, shall require a wetlands permit unless it is specifically exempted or allowed without a permit, as indicated in the following table. Any regulated activity for which a permit is required which is carried out without a permit or in violation of the conditions of a permit is a violation of this Code and subject to criminal and civil penalties.

Key:

No = Activity not allowed; however, applications may be processed in consideration of differences between Town Law and DEC laws, if all other remedies have been exhausted and DEC approval is obtained or letter of nonjurisdiction is applicable.

NPR = Activity does not require wetlands permit.

PR = Wetlands permit required.

CPR = Causeway wetland permit required.

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Type of Activity New structure on lot with or without bulkhead	Within Vegetative Buffer	Within Adjacent Vegetative Buffer	Causeway zone
New construction (less than or equal to 100 square feet)	NPR	NPR	CPR
Other new construction	No	PR	CPR
Existing structure on lot with bulkhead			
Repair	NPR	NPR	NPR
Reconstruction (no expansion)	PR	NPR	CPR
Reconstruction with expansion upward within footprint	PR	NPR	CPR

Type of Activity	Within Vegetative Buffer	Within Adjacent Vegetative Buffer	Causeway zone
Reconstruction with expansion beyond footprint if it is farther away from the designated wetlands than the nearest point of the existing structure	No	NPR	CPR
New construction with expansion upward within footprint	PR	NPR	CPR
New construction (less than or equal to 100 square feet)	NPR	NPR	CPR
New construction (outside footprint)	No	PR	CPR
New construction (all other)	No	PR	CPR
Existing structure on lot without bulkhead			
Repair	NPR	NPR	NPR
Reconstruction (no expansion)	PR	PR	CPR
Reconstruction with expansion upward within footprint	PR	PR	CPR
Reconstruction with expansion beyond footprint if it is farther away from the designated wetlands than the nearest point of the existing structure	No	PR	CPR
New construction with expansion upward within footprint	PR	PR	CPR
New construction (less than or equal to 100 square feet)	NPR	NPR	CPR
New construction (outside footprint)	No	PR	CPR
New construction (all other)	No	PR	CPR
Clearing (Except for clearing authorized under § 129-3(B))	NoPR	NoPR	NoPR
Necessary public facilities	NPR	NPR	NPR
Landscaping (per code restrictions)	NPR	NPR	CPR

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Type of Activity	Within Vegetative Buffer	Within Adjacent Vegetative Buffer	Causeway zone
Construction, creation, elimination, alteration, relocation or enlargement or diminishment of waterway	PR	PR	CPR
Demolition	<u>PR</u>	<u>PR</u>	<u>CPR</u>
Dock	NPR	NPR	No
Bulkhead	NPR	NPR	CPR
Fill	PR	PR	CPR
Fence	NPR	NPR	CPR
Driveway	No	PR	CPR
Utilities (including well)	NPR	NPR	CPR
Septic (changes to existing)	PR	PR	CPR
Septic (new)	No	No	CPR
Septic (abandonment by backfilling and/or removal of existing)	NPR	NPR	CPR

§ 129-3. General guidelines to activities within regulated area.

- A. Planting, seeding, cultivating or maintaining a previously disturbed area is allowed so long as there is no use of sod, turf, fertilizers, pesticides, herbicides, fungicides or other pollutants. New or replacement plantings in the vegetative buffer shall be of native vegetation, as set forth in a list approved by the Planning Town Board.
- B. Undisturbed areas must remain in a natural, undisturbed state, except for the following:
 - (1) Removal of dead, diseased or damaged trees when such removal is necessary for reasons of safety or to control the spread of disease.
 - (2) Removal of obnoxious plant growth such as catbrier, poison ivy, wild grape, oriental bittersweet, Russian olive or other common invasive species.
 - (3) Removal of vegetation on a five-foot wide path for access to, or for construction of, a dock, bulkhead or boardwalk, or other access to the water.
 - (4) Tree limbs may be trimmed upward from the ground to a maximum of 15 feet to permit water views. It is permitted to remove trees of less than four inches in diameter when measured four feet above ground level as long as root structure is not removed and the ground area remains vegetated.
 - (5) Shrubs may be trimmed to a height of four feet to enhance growth of nearby ground vegetation.

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- C. Construction of a dock, bulkhead and boardwalk, does not require a wetlands permit so long as the applicant has obtained a permit pursuant to Chapter 53 of this Code, and the project does not require any disturbance, removal or filling of wetlands or produce any negative impact on the wetlands. No new bulkheads will be allowed unless the applicant can demonstrate that land and/or a significant structure(s) on the property are in imminent peril of destruction from erosion and that other measures of curtailing erosion, such as rock revetments, vegetation restoration, etc., are not viable.
- D. The depositing or removal of the natural products of wetlands during recreational or commercial fishing, shellfishing or aquaculture is allowed so long as there is no undue disturbance of the wetlands.
- E. Any actual and ongoing emergency activity which is immediately necessary for the protection and preservation of life, property or natural resources may be done on a temporary basis without a permit, although the applicant must subsequently obtain a permit if one is required.
- F. The dumping of sewage, liquid waste, refuse, toxic or other offensive materials shall not be permitted within the regulated area, except as permitted by the DEC and the Town.
- G. Any activity which is not required to obtain a wetlands permit is still subject to all other permit requirements.
- H. The wetlands permit exemption for new construction less than or equal to 100 square feet is an exemption of all new accumulated construction totaling 100 square feet or less .
[Added 5-25-2007 by L.L. No. 4-2007]

§ 129-4. Permit procedure.

A. The owner or authorized agent of the owner proposing to conduct or cause to be conducted a regulated activity as defined herein upon or over any wetland or within a regulated area shall file an application for a permit on a form prescribed by the Planning Town Board. Such application shall include the following:

(1) A current, certified survey prepared by a licensed surveyor or certified site plan prepared by a licensed architect, landscape architect, or engineer based on a certified survey which shall also be included, showing the information set forth in the application form approved by the Planning Town Board including a delineated wetlands boundary, flagged by a credentialed environmentalist within five (5) years of submission of the application.

(2) The short form Environmental Assessment Form (EAF) mandated by SEQRA and the Shelter Island Local Environmental Quality Review Law, Chapter 60, setting forth the information and documentation required for a project permit involving wetlands or the regulated area, subject to a request by the Town Board for additional information in a long form EAF.

(2) (3) A notice of disapproval issued by the Building Department disapproval letter and the wetlands application form indicating all proposed structures, and the requisite fee, established from time to time by resolution of the Town Board.

(3) (4) A vegetation plan from a licensed design professional must be submitted for any proposal which involves new construction, showing the way in which the vegetative

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buffer will be affected and preserved including the existing and proposed vegetation, density of buffer, screening, landscaping to be utilized and any other information required by the Planning Board or Conservation Advisory Council.

(4) ~~(5)~~ Additional hydrological computations, topographical or engineering studies, ecological site plan or other factual or scientific data as deemed necessary by the Planning Town Board.

(5) ~~(6)~~ Current photographs of the proposed site showing proposed project location, current vegetative buffer, and existing sediment/erosion controls.

(6) ~~(7)~~ Copies of any such application shall be filed with the Planning Board Town Clerk in the number and manner prescribed by the Planning Board resolution of the Town Board. [~~Amended 8-4-2006 by L.L. No. 11-2006; 7-10-2009 by L.L. No. 10-2009~~]

(8) Proof of insurance in force: from the owner, a certificate of insurance for at least \$500,000 liability on the location and operations covered by said permit. [Added 8-4-2006 by L.L. No. 11-2006]

B. The applicant shall submit one original and fifteen copies of the application and required documents, including a Portable Document Format “PDF” version. Upon receipt of all copies of the complete application, the Planning Board Town Clerk shall forward ~~one copy to the Planning Board, one seven copies to the Conservation Advisory Council, and five copies to the Town Board.~~ The Planning Board and tThe Conservation Advisory Council shall review said application and shall have a forty- five-day period following transmittal of the application to forward their written report of findings and recommendations to the Planning Town Board.

C. The Planning Town Board will only accept and process wetlands permit applications only if they are accompanied by any requisite authorization from the New York State Department of Environmental Conservation, and/or a copy of the Suffolk County Department of Health Services permit or application for permit. ~~a DEC wetlands permit and all other required permits, including the Health Department and Army Corps approvals.~~

D. Any application for a wetlands permit shall be subject to coordinated review with the Department of Environmental Conservation in accordance with the Lead Agency Agreement executed on June 20, 1983.

E. The Planning Town Board shall schedule a public hearing on the application with no less than 10 days' notice, to be given as follows: [Amended 10-2-2009 by L.L. No. 16-2009]

(1) Upon receipt of a complete application, and findings or recommendations from the Conservation Advisory Council, or after the requisite timeframe for receipt of same has elapsed pursuant to section 129-4(B), the Planning Board before which it will be heard shall fix a time and place for a public hearing and shall provide for giving notice of same by publishing a notice in the official newspaper at least 10 days prior to the hearing.

(2) In addition, at least 10 days prior to the hearing, the applicant shall mail notice of the time, date, place and nature of the hearing to the owners of record of every property

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~~which abuts and every property~~ which is within 200 feet of the property involved in the application. Such notice shall be made by certified mail and addressed to the owners at the addresses listed for them on the local assessment roll. On or before the commencement of the public hearing, the applicant shall file a radius map ~~prepared by a professional~~ and an affidavit with postal receipts annexed thereto confirming mailing of said notices.

(3) The applicant or his agent shall also erect or cause to be erected a sign or signs which shall be displayed on the parcel upon which the application is made, facing each public street on which the property abuts, giving notice that an application has been made to the Planning Town Board, and stating the time and place where the public hearing will be held. The sign(s) shall not be located more than 10 feet from the street line, and shall not be less than two feet nor more than six feet above the natural grade at the street line. The sign(s) shall be displayed for not less than 10 days immediately preceding the public hearing date. The applicant shall file an affidavit with the Planning Town Board that he has complied with the provisions of this section. Failure to submit such affidavit shall result in the adjournment of the public hearing.

F. Within 60 days after the public hearing or receipt of any requested information, whichever is later, the Planning Town Board shall render a decision to approve, approve with modifications or conditions or disapprove the issuance of a permit.

~~G. Should a permit be granted, the applicant shall, before the issuance of such permit, file with the Town Clerk a certificate of insurance showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of \$500,000. The work covered by the permit must be substantially started within two years of issuance, or the permit is void. The permit shall be valid for a period of two years from date of issuance. [Amended 8-4-2006 by L.L. No. 11-2006]~~

H. Any new or additional activity not covered in the original wetlands permit shall require an amendment to the wetlands permit. The amendment follows the same application process as a new wetlands permit.

I. A permit may be extended by resolution of the Planning Town Board for an additional period of one year without a public hearing, provided that the request for same is submitted no later than the expiration date. [Added 5-29-2009 by L.L. No. 7-2009]

§ 129-4.1. Causeway wetlands permit regulations. [Added 12-2-2011 by L.L. No. 7-2011]

The owner or authorized agent of the owner proposing to construct or develop a property within the causeway shall meet the following additional requirements in submitting their application regardless of the distance of the development from the wetlands.

A. Additional application requirements.

(1) In addition to the application requirements set forth in § 129-4, applicant shall submit the following additional information:

(a) A survey drawn to a scale no smaller than one inch to 50 feet, showing the

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location of the proposed activity, and depicting the existing natural vegetation and the proposed areas to be disturbed;

- (b) A plan showing all areas proposed to be disturbed or upon which equipment is to be staged during construction;
- (c) A native revegetation and restoration plan for the disturbed areas;
- (d) An analysis of a plan to grade or otherwise alter the existing topography, including calculations as to the amount of material to be disturbed, the source of the material, and the plan to stabilize the material. A plan should be submitted showing existing grades and post-construction grades. The post-construction grading shall be designed to facilitate grading by original natural patterns;
- (e) Full design specifications for the septic system, including Board of Health approval and a copy of all submissions, reports and materials sent to and received back from the Board of Health;
- (f) Design specifications for any foundation or pilings proposed for the project, including number of piles, distance driven into the earth, height above natural grade and material used;
- (g) Elevation plans for the proposed structure;
- (h) Each application for development shall include erosion and sedimentation control measures during and post-construction, identifying all measures and showing proposed locations. The plan shall also identify all devices used to collect and recharge stormwater runoff from impervious surfaces.
- (i) Copies of all other necessary permits.

B. Design specifications for causeway wetlands permit. All applications for a Causeway Wetlands Permit shall meet the following design specifications in addition to the design specifications for all wetlands permits.

(1) Natural vegetation protection measures.

- (a) The causeway footprint of any dwelling on the property shall be limited as follows:
 - [1] Causeway footprint on a lot of more than 200,000 square feet (excluding wetlands): 1,800 square feet.
 - [2] Causeway footprint on a lot between 40,000 and 200,000 square feet (excluding wetlands): 1,800 square feet.
 - [3] Causeway footprint on a lot of less than 40,000 square feet (excluding wetlands): 1,000 square feet.
- (b) The total area of clearing or other disturbance of native vegetation or natural grades ("site disturbance") shall not exceed the causeway footprint of the structure plus a twenty-five-foot radius around it. An additional twenty-five-foot radius may be cleared around the well and septic system. Invasive

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vegetation may be removed.

- (c) Landscaping within the approved site disturbance area shall be at the discretion of the Planning Town Board. In the application for a causeway wetlands permit, the owner shall submit a survey by a licensed surveyor identifying the limits of proposed site disturbance and the amount and percentage of the lot to be cleared or disturbed.
- (d) Stormwater runoff from impervious surfaces shall be collected and recharged.
- (e) The landscaping shall not involve the addition of any fill, with the exception of that needed for a raised septic system and the required screening planting around the septic system.
- (f) Any and all applications for a causeway wetlands permit or building permit within the causeway zone shall include native revegetation and restoration measures sufficient to meet the standards set forth below:
 - [1] The limits of site disturbance shall be identified.
 - [2] The applicant for a permit shall have the proposed building and/or structure and the areas to be disturbed staked by a licensed surveyor in accordance with the survey. In addition, stakes shall be installed marking the perimeter of the area to be disturbed.
 - [3] The application shall contain a series of photographs showing existing vegetation on the property.
 - [4] Each application for development shall include a revegetation and restoration plan, which utilizes native vegetation and which revegetates and restores areas that are temporarily cleared or disturbed beyond the limits set forth in § 49-7(B) during development activities, or are required to be revegetated pursuant to a plan approved by the Planning Town Board.
 - [5] Applicants are advised that all disturbed area other than the actual construction footprint shall be replanted with native vegetation. No lawns, nonnative plantings or plantings that require irrigation or fertilization are allowed as the frequent flooding of these properties makes the viability of such landscaping unlikely.
 - [6] Revegetation and restoration shall, to the maximum extent possible, result in the reestablishment of the native vegetation which existed prior to site disturbance.
 - [7] Native vegetation authorized and approved by the Conservation Advisory Council shall be used for revegetation and restoration purposes.
- (g) All driveways must be permeable and use crushed shells or other materials with little visual impact. The largest materials used should be three-quarter-inch crushed multicolor-blend rock.

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(2) Shoreline protection measures.

- (a) In the causeway zone, construction of new erosion protection structures is not allowed. Reconstruction or modification of lawfully preexisting erosion protection structures is allowed in accordance with § 133-23.
- (b) No new bulkheads, docks or shoreline hardening devices can be constructed on causeway zone property.

(3) Aquifer and water protection measures.

- (a) Accessory uses, buildings and structures are prohibited, in order to reduce demands on the limited aquifer in the causeway zone. This includes garages, sheds, swimming pools and other accessory structures and uses.
- (b) An accessory apartment or accessory sleeping quarters, separate from the dwelling, is prohibited.
- (c) All development involving the use of a reverse osmosis system in the causeway zone shall be subject to the standards set forth below:

[1] Brine, or other byproducts of the reverse osmosis products, shall not be put back into the aquifer, and provision must be made for collection in a holding tank and off-island disposal at a qualified facility;

[2] Applicant shall submit a plan showing the following:

- [a] The manufacturer, size and location of the proposed reverse osmosis system, including the size, location and specifications for the proposed holding tank;
 - [b] The approval of the Suffolk County Health Department and other applicable agencies of the proposed system;
 - [c] The plan and timing of collection and off-island disposal at a qualified facility, including the name and location of the proposed facility.
- (d) The brine tank must be set back at least five feet from any side yard line and must be screened from public view by plantings at least as tall as the tank. The plantings must be of native vegetation, and applicant shall submit a plan showing the location and type of screening proposed.
 - (e) The Planning Town Board would consider a trucked-in water option in lieu of a reverse osmosis system if owner can get approval of the Suffolk County Health Department.

(4) Septic system protection measures.

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(a) Any and all applications for a causeway wetlands permit to construct a raised septic system within the causeway zone shall include measures sufficient to meet the standards set forth below:

[1] A septic system must be located at least 150 feet from the wetlands, as defined in Chapter 129;

[2] A raised septic system must be screened from public view by plantings at least as tall as the raised septic system. The plantings must be of native vegetation, and applicant shall submit a plan showing the location and type of screening proposed;

[3] A raised septic system retaining wall must be set back five feet from the property line in order to provide room for the screening plantings on the owner's property;

[4] Applicant must make every effort to minimize ground disturbance and the use of fill in constructing the raised septic system, and shall submit a plan showing the following:

[a] The height and location of the proposed raised septic system;

[b] The Suffolk County Health Department approval of the proposed system;

[c] The limits of site disturbance shall be identified;

[d] The applicant shall indicate the amount of fill needed to install the system and the source of fill material.

(5) Viewshed protection measures.

(a) Any and all applications for a causeway wetlands permit to construct a dwelling within the causeway zone shall include measures sufficient to meet the standards set forth below:

[1] Building height, as defined in Chapter 133, shall not exceed 25 feet from natural grade;

[2] Fill shall not be used to alter the natural grade.

- (b) Accessory uses, buildings and structures are prohibited. This includes garages, sheds, swimming pools, sports courts and other accessory structures and uses.
- (c) Driveway design standards. Driveways shall not have a driveway apron. If possible, driveways should be S-shaped to screen the house from the road.
- (d) There shall be a twenty-foot undisturbed natural vegetation buffer maintained between the road and the house to minimize the visual impact of development.
- (e) There shall be no regrading of the property to block the natural flow of water that currently flows off the road onto the property.
- (f) Catwalks that are constructed solely for pedestrian use and built by an individual property owner for the limited purpose of providing noncommercial access to the beach may be allowed if they meet the following criteria:
 - [1] They are no more than three feet wide;
 - [2] The surface shall be of light permeable deck grating;
 - [3] The structure shall be built with non-chemically-treated material;
 - [4] Owner gets appropriate permits for such structure.

(6) Flood protection measures.

- (a) Since the property is extremely susceptible to flooding, any issuance of a causeway wetlands permit will involve a weighing of the following factors:
 - [1] Whether the structure, use or operation under consideration is one for which the possibility of obtaining flood insurance is or should be a material consideration.
 - [2] Whether the structure, use or operation under consideration is appropriate and suitable to this flood-prone area and ways in which flood impacts on the public can be mitigated.
 - [3] Whether the development meets appropriate state and federal guidelines and standards for the use of lands extremely susceptible to flooding under FEMA criteria.
- (b) It shall be understood by all persons that issuance of a causeway wetlands permit for development in this flood-prone area is no guarantee that such development is prudent or desirable. All parties receiving a causeway wetlands permit shall sign a document on behalf of the owner or owner's heirs, assigns, personal representatives and estate releasing, forever discharging and covenanting not to sue the Town of Shelter Island, its departments, officers, boards, employees and volunteers with respect to any and all claims, liabilities, demands or causes of action which may arise in connection with issuance of permits for development in this flood-prone area.

§ 129-5. Criteria for permit issuance.

- A. No permit shall be issued unless the applicant demonstrates, and the Planning Town Board finds, that the following standards have been met:
 - (1) The proposed action and location will not create a risk of impairing the function

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and value of the wetland and buffer.

- (2) The proposed project will not diminish any wetland in size, unless the approving authority finds that the proposed activity is water-dependent or requires access to the wetland as a central element of its basic function and will result in the minimum possible alteration or impairment of the wetland.
 - (3) The proposed project will not have a negative impact on the quantity and quality of groundwater.
 - (4) The proposed project will not create a net increase in the risk of runoff.
 - (5) The applicant has demonstrated that there are no practicable alternatives which allow the project to be constructed outside the regulated area. Practicable alternatives are presumed to be available unless the applicant clearly demonstrates otherwise. In making this determination, note that the Planning Town Board generally finds that conducting the proposed regulated activity on the side or landward side of the house is highly preferred to conducting it within the regulated area.
 - (6) The applicant has submitted information to describe alternative site locations and configurations sufficient for a determination that the proposed work and location would have a less adverse environmental impact than any other practicable alternative in order for it to be approved. Practicable alternatives that are constructed entirely outside the vegetative buffer are presumed to have less adverse impacts on the wetlands than projects that do not meet such standards, unless the applicant clearly demonstrates otherwise.
 - (7) The Planning Town Board has determined that the applicant will voluntarily implement, within three months of the issuance of the permit, adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetland benefits.
- B. The Planning Town Board reserves the right to impose any conditions and mitigation measures it deems to be compatible with the purpose and public policy of this chapter.
- C. Upon completion of the permitted project the applicant shall contact the Town's Environmental Consultant, fees to be incurred by the applicant, to confirm that the subject buffer, if any, meets the requirements of this Chapter and the conditions of the permit. If confirmed, and all of the other terms are met, the Building Inspector shall issue a certificate of wetlands compliance.

§ 129-5.1. Criteria for causeway wetlands permit issuance. [Added 12-2-2011 by L.L. No. 7-2011]

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A causeway wetlands permit will be issued only with a finding by the Planning Town Board that the proposed regulated activity meets the findings of § 129-5 and meets the following additional requirements:

- A. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.
- B. Is not likely to cause a measurable increase in flooding or erosion at the proposed site and at other locations.
- C. Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values and natural resources, including, but not limited to, significant fish and wildlife habitats.
- D. Is constructed and placed in a way to minimize or prevent damage or destruction to manmade property, private and public property, natural protective features, viewscapes and other natural resources.
- E. Will not overly stress or contaminate the aquifer in the neighborhood of the project.
- F. The Planning Town Board may waive some of the causeway wetlands permit requirements in order to achieve goals that further the stated purpose of the causeway wetlands permit legislation, but shall provide a written analysis of any such waivers.

§ 129-5.2. Permitting body for causeway wetlands permit. [Added 12-2-2011 by L.L. No. 7-2011]

The Shelter Island Planning Town Board shall be the body responsible for reviewing and issuing causeway wetlands permits. To the extent possible, this process shall occur simultaneously with any zoning review by the Zoning Board of Appeals.

§ 129-6. Fees.

The fees for an application under this chapter shall be set from time to time by resolution of the Town Board.

§ 129-7. Waiver.

The Planning Town Board, upon the request of an applicant for a permit, may waive the submission of any information required by the provisions of § 129-4, if it finds it to be unnecessary.

Section 3. Authority.

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

Section 4. Severability.

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

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Section 5. Effective Date.

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to address administrative inefficiencies in the processing of Wetlands Permit Applications by delegating approval authority from the Town Board to the Planning Board, upgrade the application process, and cure an internal clearing inconsistency.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:34 p.m., the Supervisor recessed the regular meeting and opened the public hearing on the application of Serena Dugan, 37 Tuthill Drive, to install a mooring at a location designated as latitude 41.073617° north and longitude -72.285644°

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC adjusted the location and was approved.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:35 p.m., and called to order the public hearing to be held as advertised on the proposed Local Law entitled “A Local Law adding a new Chapter 106, entitled “Rights-of-Way”.

The Deputy Town 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 this hearing closed at 6:36 p.m., and called to order the public hearing to be held as advertised on the proposed Local Law entitled “A Local Law to impose a twelve-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living are greater than 5,999 square feet”.

The Deputy Town 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. Many expressed views either for or against the proposed Local Law. After a lengthy conversation and no further comments, the Supervisor made a motion to adjourn the public hearing. Councilwoman Larsen seconded. The motion was carried

At 7:10 p.m., the Supervisor reconvened the regular Town Board meeting.

RESOLUTION NO. 231

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, Serena Dugan, 37 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.073617° north and longitude -72.285644° west, and

WHEREAS, a public hearing was duly held on the 25th day of April, 2023, 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 aforementioned installation at a location designated as latitude 41.073692° north and longitude -72.285299° west, as per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

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RESOLUTION NO. 232

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

WHEREAS, a public hearing was held on Tuesday, April 25, 2023, to hear any and all

persons either for or against a Local Law entitled “A LOCAL LAW adding a new Chapter 106, entitled “Rights-of-Way”, to prohibit certain obstructions into a public right of way, of which provides as follows:

LOCAL LAW NO. 4 of 2023

A LOCAL LAW adding a new Chapter 106, entitled “Rights-of-Way”, to prohibit certain obstructions into a public right of way

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

Section 1. Legislative Intent.

The Town Board finds that dangerous conditions exist when certain obstructions, such as hedges and other vegetation, encroach from private property into a right of way or placed within, so as to significantly limit sight lines and access to road shoulders. Islanders and guests generally are active and enjoy walking, running, and biking, on our sometimes narrow and winding roads, and in order to protect their health, safety, and welfare, the rights of way need to be free and clear from obstructions in order to afford unimpeded sight lines and areas on the road shoulder to avoid oncoming vehicular traffic. It is the intent of this local law to protect those persons travelling on a road, whether vehicularly, by bike, or by foot, from the risk of injury that may reasonably be anticipated from reduced visibility and lack of a shoulder caused by overgrown vegetation.

Section 2. Amendment.

The Shelter Island Code is hereby amended by adding a new Chapter 106 to be entitled “Rights-of-Way” by adding the underlined words as follows:

§ 106-1. Title.

This Chapter shall be known and may be cited as “Rights-of -Way”.

§ 106-2. Definitions.

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

Obstruction—Material located within the boundaries of a highway including the right of way or “shoulder”, that interferes with public travel, whether vehicular, by bicycle, or foot, including vegetation, lumber, wood or logs, rocks, pipes, fencing, and athletic equipment.

Right-of-Way—The land owned by the state, county, or Town which is occupied or intended to be occupied by a road, sidewalk, and/or utility lines, such as electric, gas, oil, water, sanitary sewer or storm sewer. The right-of-way shall include the road, the sidewalk, any grass area or shoulder.

§ 106-3. Obstructions Prohibited.

It shall be prohibited for any person, firm, corporation to cause, permit, or allow any obstruction to exist within the right-of-way. It shall be the responsibility of the property owner to immediately remove all obstructions within the right-of-way adjoining their property and to restore the right-of-way to its original condition and design.

§ 106-4. Authority to serve notice and abate immediate danger.

The Superintendent of Highways, or their designee, or any Town of Shelter Island Police

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Officer may, if necessary, provide notice to be served upon owners, as hereinafter provided, to remove any obstruction which may exist upon a right of way adjoining their property. If there is an immediate danger to pedestrian, bicycle, or vehicular traffic, the obstruction may b removed immediately by the Superintendent of Highways or his designee, or a Town of Shelter Island Police Officer without prior notification to the adjoining property owner.

§ 106-5. Form of Notice; service of notice.

Whenever the Highway Superintendent or their designee or a Town of Shelter Island Police Officer requires the owners of land to correct violations of this chapter, the notice shall

specify the place, manner, and time within which the subject obstruction shall be removed.

The notice shall be served upon such owner or owners personally or by registered or certified mail, return receipt requested, at their last known address.

§ 106-6. Failure to comply; work done by the Town; costs.

Whenever a notice has been served upon such owner(s) of the subject property to correct violations of this chapter, and such owner(s) shall neglect or fail to comply with the requirements of such notice within the time frame provided therein, the Highway

Superintendent shall be notified of such violation and shall immediately cause such

obstruction to be removed. All costs and expenses expended therewith, including the

restoration of the subject right of way to its original condition and design, shall be assessed

against the land of the adjoining owner, and a statement of such expenses shall be presented to said owner and shall be posted on the subject premises. Such assessment shall constitute

a lien upon such land. If the owner fails to pay such expenses within ten(10) days after the

statement is presented or posted, a legal action may be commenced to collect such

assessment or to foreclose upon such lien. As an alternative to such an action, the Highway Superintendent may file a certificate of actual expenses incurred, along with a statement

identifying the property in connection with which the expenses were occurred and the

owner thereof with the Assessors, who shall, in the preparation of the next assessment roll,

assess such amount upon such property. Such amount shall be included in levy against such property, shall constitute a lien and shall be collected and enforced in the same manner by

the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Town of Shelter Island.

§ 106-7. Penalties.

Any person who neglects, refuses, or fails to comply with any order or notice issued

hereunder shall be guilty of an offense punishable by a fine not to exceed \$2,000.00 or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment.

Each day's continued violation shall constitute a separate additional offense or violation.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Town Law §130(7).

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Section 4. Severability.

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

Section 5. Effective Date.

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to protect the health, safety, and welfare of those who traverse Shelter Island roads by prohibiting obstructions within the shoulders thereof. It also allows the Town to remove such obstructions, if the property owners adjoining same fail to do so.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, at 7:14 p.m. the Supervisor made a motion to adjourn the meeting. Councilwoman Larsen seconded. The motion was carried

Amber Wilson
Town Clerk

May 2, 2023

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 May, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan, and Barbara Jean Iannofola, and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Amber Wilson, and approximately 4 persons were also present. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 1:44 p.m.

RESOLUTION NO. 233

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

WHEREAS, Venture Out c/o Matthew Stromberg, has filed an application to conduct business on Town property for 2023 summer season, and

WHEREAS, the nature of the business is to rent Stand Up Paddleboards, Kayaks, conduct Beach Yoga Program, Group Classes and similar, as outlined in the application, and

WHEREAS, the Town Board has reviewed the application and determined that the granting of the license is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, That Venture Out Shelter Island, LLC is hereby granted a license to operate the business as outlined in the application, subject to the following conditions:

- A. The business shall be located as outlined in the application
- B. The location of the licensee's business is subject to review and adjustment by the Shelter Island Police Department and the Shelter Island Highway Department
- C. The business operation shall not exceed the period between May 1 and October 10, 2023

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- D. The hours of operation cannot exceed 8 am to 7 pm
- E. The operation area of business cannot be larger than 20' x 20'
- F. The requested tent cannot be larger than 10'x10'
- G. Proposed storage locker shall be located within the 20' x 20' area
- H. There shall be no parking spot guaranteed in connection with this application
- I. The licensee shall not cone off parking spot at any time exceeding 10 minutes
- J. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business
- K. The disposal of this trash shall be different than receptacles provided by the Town at the beaches
- L. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker
- M. The licensee shall submit \$250.00 application fee to the Town Clerk

N. The license is subject to the execution of a Commerce on Town Property Agreement
BE IT FURTHER RESOLVED, That the Town of Shelter Island reserves the right to
revoke this permit at its discretion.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 234

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

WHEREAS, Crow's Nest Bar & Grill, has filed an application to conduct business on
Town property for 2023 summer season, and

WHEREAS, the nature of the business is a food truck at the Crescent Beach as outlined
in the application, and

WHEREAS, the applicant submitted \$250.00 application fee, and

WHEREAS, the Town Board has reviewed the application and determined that the
granting of the license is in the best interest of the Town of Shelter Island; now, Therefore
BE IT RESOLVED, That Crow's Nest Bar & Grill is hereby granted a license to
operate the business as outlined in the application, subject to the following conditions:

A. The food truck shall be located East of the gazebo of the Crescent Beach in a spot
designated by the Town of Shelter Island

B. The food truck shall not block said gazebo

C. The location of the licensee's business is subject to review and adjustment by the
Shelter Island Police Department and the Shelter Island Highway Department

D. The business operation shall not exceed the period between May 26 and September 5,
2023

E. The hours of operation cannot exceed 9 am to 7 pm

F. There shall be no additional parking spot guaranteed in connection with this application

G. The licensee shall not cone off a parking spot at any time

The licensee is responsible for daily disposal of the trash created in connection with the
operation of the business

H. The disposal of this trash shall be different than receptacles provided by the Town at
the beaches

I. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of
Town of Shelter Island insurance broker; and

J. The licensee shall provide SCDHS food truck permit

K. The licensee possesses all other necessary Federal, State and County licenses

L. The license is subject to the execution of a Commerce on Town Property Agreement
BE IT FURTHER RESOLVED, That the Town of Shelter Island reserves the right
to revoke this permit at its discretion.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

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RESOLUTION NO. 235

Supervisor Siller offered the following resolution, which was seconded by Council-
woman Brach-Williams, to wit:

WHEREAS, Bon Spa c/o Alexandre Roy, has filed an application to conduct busi-
ness on Town property for 2023 summer season, and

WHEREAS, the nature of the business is to offer therapeutic massages at the Crescent
Beach as outlined in the application, and

WHEREAS, the applicant submitted \$250.00 application fee, and

WHEREAS, the Town Board has reviewed the application and determined that the
granting of the license is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, Bon Spa is hereby granted a license to operate the business as out-
lined in the application, subject to the following conditions:

A. The business shall be placed in the location as outlined in the application

B. The location of the licensee's business is subject to review and adjustment by the
Shelter Island Police Department and the Shelter Island Highway Department

C. The business operation shall not exceed the period between May 26 and September 11,
2023

- D. The hours of operation cannot exceed 9 am to 7 pm
 - E. The area of business cannot be larger than 20'x20'
 - F. There shall be no more than two 10'x10' tents
 - G. Proposed small shed is not permitted
 - H. In lieu of small shed, the applicant can place small trunk within the 20' x 20' area
 - I. There shall be no parking spot guaranteed in connection with this application
 - J. The licensee shall not cone off parking spot at any time
 - K. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business
 - L. The disposal of this trash shall be different than receptacles provided by the Town at the beaches
 - M. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker
 - N. The licensee possesses all other necessary Federal, State and County licenses
 - O. The license is subject to the execution of a Commerce on Town Property Agreement
- BE IT FURTHER RESOLVED, That the Town of Shelter Island reserves the right to revoke this permit at its discretion.
- Vote: 4 in favor 0 opposed
- The resolution was thereupon declared duly adopted.

RESOLUTION NO. 236

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

WHEREAS, Stars Café c/o Pepe Martinez, has filed an application to conduct business on Town property for 2023 summer season, and

WHEREAS, the nature of the business is a food truck at the Wades Beach as outlined in the application, and

WHEREAS, the applicant submitted \$250.00 application fee, and

WHEREAS, the Town Board has reviewed the application and determined that the granting of the license is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, That Stars Café is hereby granted a license to operate the business as outlined in the application, subject to the following conditions:

- A. The food truck shall be located on the paved area North of the public restrooms, adjacent to large bocce ball courts
- B. The location of the licensee's business is subject to review and adjustment by the Shelter Island Police Department and the Shelter Island Highway Department
- C. The business operation shall not exceed the period between June 24 and September 4, 2023

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- D. The hours of operation cannot exceed 9 am to 7 pm
 - E. There shall be no parking spot guaranteed in connection with this application
 - F. The licensee shall not cone off parking spot at any time
 - G. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business
 - H. The disposal of this trash shall be different than receptacles provided by the Town at the beaches
 - I. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker
 - J. The licensee shall provide SCDHS food truck permit
 - K. The licensee possesses all other necessary Federal, State and County licenses
 - L. The license is subject to the execution of a Commerce on Town Property Agreement
- BE IT FURTHER RESOLVED, That the Town of Shelter Island reserves the right to revoke this permit at its discretion.
- Vote: 4 in favor 0 opposed
- The resolution was thereupon declared duly adopted.

RESOLUTION NO. 237

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

WHEREAS, Ride Shore LLC c/o John Eicher and David Witzke, has filed an application to conduct business on Town property for 2023 summer season, and

WHEREAS, the nature of the business is a launch service at the Crescent Beach as outlined in the application, and

WHEREAS, the applicant submitted \$250.00 application fee, and

WHEREAS, the Town Board has reviewed the application and determined that the granting of the license is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, That Ride Shore LLC is hereby granted a license to operate the business as outlined in the application, subject to the following conditions:

- A. The proposed 10'x10' tent shall be located on the East end of the Crescent Beach
- B. The location of the licensee's business is subject to review and adjustment by the Shelter Island Police Department and the Shelter Island Highway Department
- C. The area of business beach set up cannot be larger than 20'x20'
- D. The requested tent cannot be larger than 10'x10'
- E. The business operation shall not exceed the period between May 19 and September 18, 2023
- F. There shall be no parking spot guaranteed in connection with this application
- G. The licensee shall not cone off parking spot at any time
- H. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business
- I. The disposal of this trash shall be different than receptacles provided by the Town at the beaches
- J. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker; and
- K. The licensee possesses all other necessary Federal, State and County licenses
- L. The license is subject to the execution of a Commerce on Town Property Agreement

BE IT FURTHER RESOLVED, That the Town of Shelter Island reserves the right to revoke this permit at its discretion; and

BE IT FURTHER RESOLVED, That due to the nature of the business the Town of Shelter Island will not limit the hours of the operation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

May 2, 2023 – continued

RESOLUTION NO. 238

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

WHEREAS, Kayak Shelter Island LLC c/o Adam Mills has filed an application to conduct business on Town property for 2023 summer season, and

WHEREAS, the nature of the business is to rent Stand Up Paddleboards and Kayaks, and to provide guided tours primarily along Coecles Harbor Marine Water Trail, as outlined in the application, and

WHEREAS, the applicant submitted \$250.00 application fee, and

WHEREAS, the Town Board has reviewed the application and determined that the granting of the license is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, That Kayak Shelter Island LLC is hereby granted a license to operate the business as outlined in the application, subject to the following conditions:

- A. The business shall be located at the end of Burns Road, as outlined in the application
- B. The location of the licensee's business is subject to review and adjustment by the Shelter Island Police Department and the Shelter Island Highway Department
- C. The business operation shall not exceed the period between May 1 and November 30, 2023
- D. The hours of operation cannot exceed 9 am to 7 pm
- E. There shall be no parking spot guaranteed in connection with this application
- F. The licensee shall not cone off parking spot at any time
- G. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business
- H. The disposal of this trash shall be different than receptacles provided by the Town at the

beaches

I. The licensee shall maintain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker during the duration of this permit

J. The licensee shall remove all equipment daily

K. The license is subject to the execution of a Commerce on Town Property Agreement

BE IT FUTHER RESOLVED, That the Town of Shelter Island reserves the right to revoke this permit at its discretion; and

BE IT FURTHER RESOLVED, That storing equipment on the Town properties is prohibited.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION. NO 239

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

WHEREAS, Mehmet Cevher, D.B.A Mr. Softee , has filed an application to conduct business on Town property for 2023 summer season, and

WHEREAS, the nature of the business is an ice cream truck as outlined in the application, and

WHEREAS, the applicant submitted \$250.00 application fee, and

WHEREAS, the Town Board has reviewed the application and determined that the granting of the license is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, That Mehmet Cavher is hereby granted a license to operate the business

as outlined in the application, subject to the following conditions:

A. The business operation shall not exceed the period between May 1 and October 10, 2023

B. The hours of operation on Town property cannot exceed 9 am to 7 pm

C. There shall be no parking spot guaranteed in connection with this application

D. The licensee shall not cone off parking spot at any time

E. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business

May 2, 2023 – continued

F. The disposal of this trash shall be different than receptacles provided by the Town at the beaches

G. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker; and

H. The licensee shall obtain beach parking permit to park at the Town beaches

I. The licensee shall park on the West side of the Wades Beach parking lot

J. At the Crescent Beach, the licensee shall park only at the parallel parking spots at the West end of the beach, with the retail window facing the sidewalk/water

K. The license is subject to the execution of a Commerce on Town Property Agreement

BE IT FURTHER RESOLVED, That the Town of Shelter Island reserves the right to revoke this permit at its discretion.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 240

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

WHEREAS, Karen Garcia Springer, has filed an application to conduct business on Town property for 2023 summer season, and

WHEREAS, the nature of the business is to resell pre-packed organic drinks, Kombucha, bottled water and organic ice-pops out of Volkswagen van as outlined in the application, and

WHEREAS, the applicant submitted \$250.00 application fee, and

WHEREAS, the Town Board has reviewed the application and determined that the granting of the license is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, That Karen Garcia Springer is hereby granted a license to operate the business as outlined in the application, subject to the following conditions:

A. The business operation shall not exceed the period between May 29 and October 9, 2023

B. The hours of operation on Town property cannot exceed 9 am to 7 pm

- C. There shall be no parking spot guaranteed in connection with this application
 - D. The licensee shall not cone off parking spot at any time
 - E. The licensee shall obtain beach parking permit to park at the Town beaches
 - F. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business
 - G. The disposal of this trash shall be different than receptacles provided by the Town at the beaches
 - H. The licensee is limited to sell products outlined in the application
 - I. No clothing, accessories or similar retail items shall be sold in connection with this permit on Town property
 - J. The licensee must submit a permit from NYS Department of Agriculture and Markets or letter from said agency stating that permit is not required
 - K. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker; and
The licensee shall park on the Northwest side of the Wades Beach parking lot adjacent to the grass sand area of the bocce ball courts
 - L. At the Crescent Beach, the licensee shall park only at the 20 most Western diagonal parking spots
 - M. The license is subject to the execution of a Commerce on Town Property Agreement
- BE IT RESOLVED, That the Town of Shelter Island reserves the right to revoke this permit at its discretion.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Supervisor Siller and seconded by Councilman Colligan, the special meeting was adjourned at 2:01 p.m. The motion was carried.

Amber Wilson
Town Clerk

May 16, 2023

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 16th day of May, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Iannofola and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately twelve persons were also present.

Salute to flag

Correspondence included the following

1. A letter from Bennett and Reed regarding the proposed moratorium.
2. A letter from the Shelter Island Heights Properties Association regarding the Scudder Cottages dock application.
3. A letter from Gardiners Bay Country Club regarding NYS DEC water permit application.

Supervisors Report

RESOLUTION NO. 241

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

WHEREAS, William Herzog, 5 Hillside Drive, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.06627° north and longitude -72.36325° 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 6:10 p.m., prevailing time, on the 6th day of June, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 242

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

WHEREAS, James Royer, 36 Peconic Avenue, has requested permission to perform a

maintenance dredge as per DEC permit #1-4732-00187/00024, to dredge entrance to existing boat basin to a depth of -4' mean low water, place approximately 150 c.y. of dredge spoil at the bulk-head landward of apparent high water and approximately 260 c.y. of dredge spoil upland, now, Therefore

BE IT RESOLVED, that a public hearing shall be held at 6:12 p.m., prevailing time the 6th day of June, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be hear 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. 243

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday June 6th, 2023, at 6:14 p.m. to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 33, Entitled "Assemblies, Outdoor", to Clarify when an Outdoor Assembly Permit is Required" of which provides as follows:

LOCAL LAW NO. _ of 2023

A LOCAL LAW amending Chapter 33, Entitled "Assemblies, Outdoor", to Clarify when an Outdoor Assembly Permit is Required.

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

Section 1. Legislative Intent.

The Town Board finds that the section of the Town Code pertaining to whether an Outdoor
May 16, 2023 – continued

Assembly Permit is required is vague and requires clarification to prevent confusion and clearly enumerate what events trigger the need for same.

Section 2. Amendment.

Section 33-2 of the Shelter Island Code Chapter 33-2(A), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§33-2. Permit required; application.

~~A. No person, firm or corporation shall conduct any organized race, children's ride, adult ride, circus, carnival, tent show, music performance or fireworks display, whether on public or private property or Town waters, without an outdoor assembly permit. Additionally, any event involving Town services within the Town of Shelter Island, excluding the Village of Dering Harbor, requires an outdoor assembly permit from the Town Board of the Town of Shelter Island. Additionally, at a Town owned beach or park the following activities shall only be permitted under the terms and conditions of an outdoor assembly permit duly issued by the Town Board: [Amended 9-7-2007 by L.L. No. 9-2007]~~

~~(1) Activities involving erection of a dance floor, arch, tent greater than 100 square feet, fence or other structure; or~~

~~(2) Private concerts, shows or dances; or~~

~~(3) Staging area for walkathons, marathons or bike races.~~

A. An outdoor assembly permit shall be required to conduct the following, whether on private or public property or town waters:

1. An organized race;

2. A fair;

3. A circus, carnival, or tent show;

4. A music performance;

5. A fireworks display;

6. Any event which would utilize Town services within the Town of Shelter Island;

7. Any event to be held at a Town beach, park, or facility which involves the erection of a:

a. Dance floor;

b. Arch;

c. Tent greater than 100 square feet;

d. Fence;

e. Any other structure; or

f. Provides a venue for private concerts, shows, or dances.

8. Any event where the applicant is requesting a noise exemption pursuant to Town Code Section 92-6. Section

7. Authority. The proposed local law is enacted pursuant to Municipal Home Rule Law §10.

Section 8. Severability.

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

Section 9. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to address the unclear section of the Town Code which dictates when an outdoor assembly permit is required.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

May 16, 2023 – continued

RESOLUTION NO. 244

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

WHEREAS, the term of Donald D’Amato as a member of the Green Options Committee expired on May 11th, 2023, and

WHEREAS, Mr. D’Amato has expressed willingness to continue to serve the Town in said capacity, now, therefore

BE IT RESOLVED, that Donald D’Amato is hereby reappointed to serve as a member of the Green Options Committee for a term to expire on May 11th, 2026.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 245

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that Kal Lewis is hereby appointed as a FIT Aid for the year of 2023, at a rate of \$17/hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 246

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

BE IT RESOLVED, that Michael Chih is hereby appointed to serve as a Provisional Code Enforcement Officer at the rate of \$65.00 per hour with a maximum of 15 hours per week to be under the direct supervision of the Town Attorney.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 247

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

BE IT RESOLVED, that Claudine Loria is hereby appointed to serve as Justice Court Clerk at the rate of \$65,000 per year, starting May 30th, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 248

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

BE IT RESOLVED, that Michelle Donohue is hereby appointed to serve as full time Cook for the Nutrition Program and Senior Services for the year of 2023, at the rate of \$45,000 per year, 30 hours per week.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 249

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

WHEREAS, pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island 10K Run Board has requested permission as per application, to hold the 10K Run and the 5K Run/Walk on Shelter Island on Saturday, June 17, 2023, from 10:00 A.M. to 9:00 P.M., at the Shelter Island American Legion Post and Shelter Island School, and

WHEREAS, the required fees of \$100.00 application fee and \$100.00 compliance fee have been submitted, and

WHEREAS, pursuant to Section 33-2 B (2), the Town Board has determined that the proposed Run and Walk will benefit the Town, and no fees will be required for Police and Highway costs associated with the event, and

WHEREAS, the Police Department has responded that they are prepared to assist with this event as they have done in the past, and

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
May 16, 2023 – continued

Highway Department will coordinate any details with the racing committee, now, Therefore

BE IT RESOLVED, That the Town Board does hereby approve said event.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 250

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit

BE IT RESOLVED, that the Board hereby ratifies an agreement with employee William McCoy.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 251

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the Hold Harmless Agreement between the Town of Shelter Island and Taylor's Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 252

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

WHEREAS, on May 9th, 2023, Tim Purtell, Chairman of the Green Options Committee appeared in front of the Town Board to propose an application to apply for Energy Transitions Initiative Partnership Project (ETIPP), and

WHEREAS, said project is a partnership between the National Renewable Energy Laboratory (NREL) and the U.S Department of Energy (DOE), and

WHEREAS, the partnership is to help island communities transform their energy system's and increase energy resilience, by receiving support from ETIPP experts in the form of technical assistance in energy analysis and planning, assistance identifying the communities needs and options to develop communities goals, and

WHEREAS, said project is not a grant nor will expend any cost from the town, now, therefore

BE IT RESOLVED, That the aforementioned request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 253

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

WHEREAS, the Town Board is proposing the adoption of a local law entitled "A LOCAL

LAW to impose a six-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet”; and

WHEREAS, the Town Board finds there has been an increase in the number of requests for the construction of dwellings and accessory structures, or additions thereto, that are larger than what is permitted, as of right. Consequentially, the Town Board has determined that there must be an immediate suspension of the acceptance and review of all new and pending special permit applications for, dwelling units and accessory structures, with a square foot living area larger than 5,999 s.f., until the Town Board can properly and comprehensively evaluate the potential impacts of granting such special permits on community character, the environment, and the aquifer. The Town Board is currently in the midst of updating the Town’s Comprehensive Plan and sound planning principles requires the maintaining of the status quo to afford the appropriate time necessary to enact any resultant amendments to the Zoning Code; and

WHEREAS, the proposed moratorium has been referred to the Suffolk County Planning Commission pursuant to General Municipal Law §239-m; and

WHEREAS, pursuant to 6 NYCRR §617.5(a), “Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part, except as otherwise provided in this section. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental

May 16, 2023 – continued

Conservation Law, Article 8. The actions identified in subdivision (c) of this section apply to all agencies.”; and

WHEREAS, pursuant to 6 NYCRR §§617.5(c)(36), the “adoption of a moratorium on land development or construction” is a Type II action;

THEREFORE, BE IT RESOLVED, that the Town Board, after review of the proposed action, 6 NYCRR §617.5, hereby determines that the proposed project is a Type II Action pursuant to 6 NYCRR §§617.5 (c)(36) of the implementing regulations of the State Environmental Quality Review Act, and will, therefore, by definition, have no significant adverse impact on the environment.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 254

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to credit the sum of \$154.15 to the General Fund account for the unclaimed funds from the State of New York.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 255

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the following budget transfers are hereby approved: \$10,835.84 from B1990.400 Part Town Contingent; and \$20,364.16 from B Fund balance to B8664.100 Code/Ordinance Enforcement.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 256

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

BE IT RESOLVED, That 2023 general claims numbered 671 through 824 in the amount of \$167,725.35, 2023 Highway claims numbered 73 through 89 in the amount of \$16,106.45; 2023 Community Preservation Fund claim numbered 7 in the amount of \$12.99, 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 6:12 p.m., the Supervisor recessed the regular meeting and opened the public hearing on the application of Dorothy Moorehead, 33 St. Mary’s Road, to install a mooring in Coecles Harbor at a location designated as latitude 41.086831° north and longitude -72.311946° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board,

which was as follows: wmac approved this after an adjustment of the location.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:14 p.m., and called to order the public hearing to be held as advertised on the application of Richard Hogan, 1 Shorewood Court, for permission to install a mooring at a location designated as latitude 41.043322° north and longitude -72.325903° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: 5-0 vote on May 1st. We approved that with those coordinates and the correction to the application that this is a private mooring not riparian.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There
May 16, 2023 – continued

being no comments, the Supervisor declared this hearing closed at 6:14 p.m., and called to order the public hearing to be held as advertised on the application of George DeMan, 4 Summerfield place, for permission to install a stake, mooring and pulley system at a location designated as latitude 41.087696° north and longitude -72.35676° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC approved. Application is relocation of current mooring O-3498.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:16 p.m., and called to order the public hearing to be held as advertised on the application of Robert Watt, 56 Ram Island Drive for permission to install a mooring at a location designated as latitude 41.072879° north and longitude -72.282324° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: approved 6-0 with a slight change in both the latitude and the longitude.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:17 p.m., and called to order the public hearing to be held as advertised on the application of Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install (8) moorings at a locations designated as latitude 41.070988° north and longitude -72.375806° west; latitude 41.071054° north and longitude -72.375439° west; latitude 41.071149° north and longitude -72.375083° west; latitude 41.071233° north and longitude -72.374743° west; latitude 41.071319° north and longitude -72.374388° west; latitude 41.071242° north and longitude -72.375699° west; latitude 41.071337° north and longitude -72.375352° west; latitude 41.071429° north and longitude -72.374996° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC approved the application with conditions.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Richard Hogan was present for the application and requested to be exempted from the condition of no generators, with the stipulation of no audio or running of engines. There being no further comments, the Supervisor declared this hearing closed at 6:21 p.m., and called to order the public hearing to be held as advertised on the application of Kristian Clark, 56 N. Cartwright Road, for permission to construct stairs leading up to a new 4' x 101' fixed dock with a 4' x 30' fixed "L", -16" lower than dock.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: wmac met on April 10th. Approval from the wmac with conditions.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:26 p.m., and called to order the public hearing to be held as advertised on the application of David Cohen, 62 Westmoreland Drive for permission to construct a 4' x 10' ramp leading up to a 4' x 89' catwalk to stairs leading down to bottom.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: was approved by the wmac, one of the members of the wmac based on this shallow location suggested the following condition, no boat should be kept on the dock.

May 16, 2023 – continued

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:24 p.m., and due to being ahead of public hearings scheduled, reconvened the hearing on Isar River Trust, 149 North Ram Island Road, Special Permit application.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Karen Hoeg was present for the applicant. After a brief discussion, the Supervisor declared the hearing closed at 6:27 p.m., and reconvened the hearing on the proposed Local Law entitled "A Local Law to impose a six-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area greater than 5,999 square feet."

The Supervisor opened the hearing for all to be heard in favor of or in opposition. After a lengthy discussion, the Supervisor declared this hearing closed at 7:00 p.m., and called to order the public hearing to be held as advertised on the application of Carine Maurer, 7 Dickerson Drive, for permission to construct a 4' x 60' ramp down to a 4' x 70' catwalk and install 3 ladders at seaward end.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: wmac met on April 10th and approved this application however some members expressed somewhat of a dissatisfaction with the New York State DEC approval.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Jack Costello was present for the applicant and gave a description of the application. There being no further comments, the Supervisor declared the hearing closed at 7:02 p.m., and called to order the hearing to be held as advertised on the application of Scudder Cottages, C/O Rodney Scudder, 34 Prospect Avenue for permission to remove 43' of existing bulkhead & 12' existing return, construct 43' of new bulkhead & 12' return, in-kind in-place, remove 36' of existing jetty & construct 42' of jetty, in-place. Remove 46' of existing jetty & construct 52' of jetty, in-place, dredge 42' x 140' area from inlet to basin to -4.0' below MLW, removing approximately 1,000 cubic yards of soil, dredge soil to be used as backfill landward of bulkhead, remainder of soil to be used as fill in eroded areas as noted on site plan, install 3' x 12' seasonal aluminum ramp onto 6' x 20' seasonal floating dock secured by (4) 10" diameter anchor piling, remove existing 4' x 85' fixed dock, construct a 5' x 100' from MHW fixed dock with 4' wide cross – over stairway to beach at inshore end, install (4) 2-pile mooring dolphins at offshore end, install two ladders, provide for water & electric service to offshore end.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: some had concerns regarding wetlands but application was approved.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Jack Costello was present for the applicant and gave a description of the application. After a brief discussion regarding DEC permits, the Supervisor declared the hearing closed at 7:09 p.m., and called to order the public hearing to be held as advertised on the application of a proposed Local Law entitled "A Local Law to repeal Town Code Chapter 8 entitled "Ethics Code of" in its entirety and replace same with a new Town Code Chapter 8 to be entitled "Ethics Code".

The Town 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 expressed view regarding the legislation of the Ethics Code. There being no further comments, the Supervisor declared this hearing close at 7:14 p.m., and called to order the public hearing to be held as advertised on the application of a proposed Local Law entitled "A LOCAL LAW amending

Chapter 105 entitled “Rental of Real Property”, to require safety inspections for all rental properties and eliminate owner occupied premises from being permitted as vacation rentals.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. A question was addressed on the owner-occupied status of the proposed Local Law. There being no further comments, the Supervisor declared this hearing close at 7:17 p.m., and reconvened the regular Town Board meeting.

May 16, 2023 – continued

RESOLUTION NO. 257

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

WHEREAS, on November 22, 2023, Isar River Trust, applied for a special permit from the Town Board pursuant to Section 133-10(F) for a one family dwelling with a SFLA of 6,000 s.f. or above as shown on a F. Michael Hemmer, LS, P.C survey dated February 28, 2022, and as shown in the Brandes Maselli Architects, LLC plans dated July 7, 2022; and

WHEREAS, the Applicant submitted the subject application to legalize a basement conversion of 2,528 s.f that was done by the prior owner, without the requisite approvals, which would bring the total square foot living area of the main house and the garage to 9,094 s.f, where only 5,999 s.f. is permitted without a special permit; and

WHEREAS, there the subject application will not cause any increase to the footprint of the main house; and

WHEREAS, the subject property is a 2.021 acre waterfront vacant lot located at 149 North Ram Island Road, Shelter Island (S.C.T.M. #700-10-1-14) and is located within the "AA" Residential Zoning District; and

WHEREAS, the proposed dwelling does not require any other dimensional zoning relief, nor wetlands relief; and

WHEREAS, the Planning Board issued a report on January 30, 2023, recommending conditional approval; and

WHEREAS, a public hearing was conducted on January 10, 2023 and May 16, 2023;

WHEREAS, the Town Board has reviewed the applicable criteria of Section 133-35 and has found that the installation of an I/A system by the applicant will serve as a factor in mitigating the requested increase in SFLA; and now, therefore

BE IT RESOLVED, that in accordance with the above, and the record, that the special permit for SFLA of 9,094 s.f. is granted, as shown on the F. Michael Hemmer, LS, P.C survey dated February 28, 2022, and as shown in the Brandes Maselli Architects, LLC plans dated July 7, 2022, subject to the following conditions:

1. The subject survey and building department drawings shall be amended to reflect the approved 9,094 s.f. of SFLA;
2. The building permit fee of \$32, 495.00 (which includes the requisite penalty) shall be paid;

and
A certificate of occupancy shall not be issued until the above conditions are completed

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 258

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

WHEREAS, a public hearing was held on Tuesday, May 16th, 2023, to hear any and all persons either for or against a Local entitled “A LOCAL LAW to impose a six-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet” which provides as follows:

LOCAL LAW NO. 5 of 2023

A LOCAL LAW entitled “A LOCAL LAW to impose a six-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet” which provides as follows:

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

Section 1. Legislative Intent.

The Town Board finds there has been an increase in the number of requests for the construction of dwellings and accessory structures, or additions thereto, that are larger than what is permitted, as of right. Consequentially, the Town Board has determined that there must be an immediate suspension of the acceptance and review of all new and pending special permit applications for, dwelling

units and accessory structures, with a square foot living area larger than 5,999 s.f., until the Town Board can properly and comprehensively evaluate the potential impacts of granting such special permits on community character, the environment, and the aquifer. The Town Board is currently in the midst of updating the Town's Comprehensive Plan and sound planning

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principles require the maintaining of the status quo to afford the appropriate time necessary to enact any resultant amendments to the Zoning Code.

Section 2. Moratorium Imposed.

For the period of six (6) months immediately following the effective date of this local law, there is hereby imposed a moratorium on all applications for a special permit, from the Town Board, for the construction of, or alteration to an existing dwelling or accessory structure, that exceeds 5,999 s.f. of combined square foot living area located within the Town of Shelter Island and that no approvals, permits, actions, or decisions shall be made or issued by any Board or official of the Town of Shelter Island with respect to any such applications. This moratorium shall apply to all such applications, whether pending or received prior to the effective date of this law. No applications for special permits for square foot living area in excess of 5,999 s.f. shall be accepted by any Board, body, committee, official, or employee of the Town of Shelter Island while this law remains in effect.

Section 3. Effect of Moratorium.

Upon the effective date of this local law, no Board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of, or alteration of an existing dwelling or accessory structure, that exceeds 5,999 s.f. of combined square foot living area located within the Town of Shelter Island. Any statutory or locally enacted time periods for processing and making decisions on all aspects of such applications are hereby suspended and stayed while this Local Law is in effect. No person, corporation, or other entity shall undertake any site preparation, including but not limited to clearing, grading, and filling, or construction activities, with respect to any construction of, or alteration of an existing dwelling or accessory structure, that exceeds 5,999 s.f. of combined square foot living area.

Section 4. Penalties.

A. Failure to comply with any provision of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) or imprisonment for not more than thirty (30) days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) or imprisonment for a period of not more than forty-five (45) days, or both. For purposes of this section, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled, and violations restrained by an order or by injection of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the Court. If such expense is not paid in full within thirty (30) days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 5. Variance.

Any person or entity suffering unnecessary hardship as that term is used and construed in New York State Town Law section 267-b(2)(b), by reason of the enactment of this moratorium may apply to the Town Board for a variance excepting the person's or entity's premises from the moratorium and allowing the issuance of a permit all in accordance with the provisions of Shelter Island Town Code applicable to such construction.

Section 6. Authority.

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

Section 7. Supersession.

To the extent that any provisions of this Local Law are construed as inconsistent with the provisions of New York State Town Law Sections 264, 265, 265-a, 267, 267-a, 267-b, 274-a, 274-b,

and 276, this Local Law is intended pursuant to New York State Municipal Home Rule Law sections 10(1)(ii)(d)(3) and section 22 to supersede any said inconsistent authority.

Section 8. Severability.

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

Section 9. Effective Date.

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

SUMMARY OF PROPOSED LAW

The purpose of this law is to temporarily suspend the acceptance and processing of special permit applications for larger homes with a square foot living area that exceeds 5,999 s.f. until the comprehensive plan is updated so as to ensure that such homes are currently in keeping with the community character and do not create excessive environmental harm.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 259

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

WHEREAS, Dorothy Moorehead, 33 St. Mary's Road has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.086831° north and longitude -72.311946° west, and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, 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 at a location designated as latitude 41.074469° north and longitude - 72.315825° west, per WMAC recommendation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 260

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Richard Hogan, 1 Shorewood Court, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.043322° north and longitude -72.325903° west, and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, 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. 261

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

WHEREAS, George DeMan, 4 Summerfield place has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system at a location designated as latitude 41.087696° north and longitude -72.35676° west, and

WHEREAS, said request is a relocation of current mooring O-3498, and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, 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.

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

WHEREAS, Robert Watt, 56 Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.072879° north and longitude -72.282324° west, now, Therefore, and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, 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 at a location designated as latitude 41.073235° north and longitude -72.282135° west, per WMAC recommendation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 263

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

WHEREAS, Cape Pridwin Owner, LLC, 81 Shore Road, has petitioned the Town of Shelter Island for permission to install (8) moorings at a locations designated as latitude 41.070988° north and longitude -72.375806° west; latitude 41.071054° north and longitude -72.375439° west; latitude 41.071149° north and longitude -72.375083° west; latitude 41.071233° north and longitude -72.374743° west; latitude 41.071319° north and longitude -72.374388° west; latitude 41.071242° north and longitude -72.375699° west; latitude 41.071337° north and longitude -72.375352° west; latitude 41.071429° north and longitude -72.374996° west; and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, for all interested persons to be heard in favor of or in opposition, and

WHEREAS, applicant must surrender any prior issued moorings, now, therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation, subject to the following specific rules and regulations:

- 1) No boats over 50' on any mooring
- 2) No overnight occupancy of any moored or docked boat
- 3) No daytime occupancy of any moored or docked boat, other than for purposes of arrival and departure; private crew may remain on a boat, subject to #3 below
- 4) No running of engines {beyond minimum requirements), audio systems while moored or docked
- 5) No more than 16 boats may be moored or docked at any one time (expectations are for up to 6-12 boats on an average day)
- 6) Pridwin will strive at all times to operate moorings and dockage in a manner that is both safe and respectful of neighbors.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 264

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

WHEREAS, Kristian Clark, 56 N. Cartwright Road, has petitioned the Town of Shelter Island for permission to construct stairs leading up to a new 4' x 101' fixed dock with a 4' x 30' fixed "L", -16" lower than dock, and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, for all interested persons to be heard in favor of or in opposition, and

WHEREAS, the WMAC has made the following recommendations:

1. Dock shall require a 12' beam restriction
2. Boat shall not sit on the bay bottom; 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.

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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. 265

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, David Cohen, 62 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to construct a 4' x 10' ramp leading up to a 4' x 89' catwalk to stairs leading down to bottom, and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, for all interested persons to be heard in favor of or in opposition, and

WHEREAS, the WMAC has made the following recommendation:

1. based on the shallow water, no boat shall be kept on dock; 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

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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. 266

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

WHEREAS, Carine Maurer, 7 Dickerson Drive, has petitioned the Town of Shelter Island for permission to construct a 4' x 60' ramp down to a 4' x 70' catwalk and install 3 ladders at seaward end, and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, for all interested persons to be heard in favor of or in opposition, and

WHEREAS, the WMAC has made the following recommendation:

1. Boat shall not sit on the bay bottom; 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. 267

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

WHEREAS, Scudder Cottages, C/O Rodney Scudder, 34 Prospect Avenue, has petitioned the Town of Shelter Island for permission to remove 43' of existing bulkhead & 12' existing return. Construct 43' of new bulkhead & 12' return, in-kind in-place. Remove 36' of existing jetty & construct 42' of jetty, in-place. Remove 46' of existing jetty & construct 52' of jetty, in-place. Dredge 42' x 140' area from inlet to basin to -4.0' below MLW, removing approximately 1,000 cubic yards of soil. Dredge soil to be used as backfill landward of bulkhead. Remainder of soil to

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be used as fill in eroded areas as noted on site plan. Install 3' x 12' seasonal aluminum ramp onto 6' x 20' seasonal floating dock secured by (4) 10" diameter anchor piling. Remove existing 4' x 85' fixed dock. Construct a 5' x 100' from MHW fixed dock with 4' wide cross – over stairway to beach at inshore end. Install (4) 2-pile mooring dolphins at offshore end. Install two ladders. Provide for water & electric service to offshore end , and

WHEREAS, a public hearing was duly held on the 16th day of May, 2023, for all interested persons to be heard in favor of or in opposition, now, therefore

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

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

Reasons supporting this determination: The proposed dock and bulkhead:

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;

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. 268

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

WHEREAS, a public hearing was held on Tuesday, May 16th, 2023, to hear any and all persons either for or against a Local Law entitled "A Local Law to repeal Town Code Chapter 8 entitled "Ethics Code of" in its entirety and replace same with a new Town Code Chapter 8 to be entitled "Ethics Code".

PREAMBLE

1. Individuals working on behalf of the Town of Shelter Island ("the Town") are public servants who are expected to perform their duties in the best interests of the Town. They may, however, encounter a situation in which what is best for the Town may be different from their own personal best interest. In such a case, there is a "conflict of interest."

2. New York State's General Municipal Law, Article 18 contains provisions prohibiting certain conflicts of interest of municipal officers and employees. The rules of that law apply to all Town employees, which include officers or employees, paid or unpaid. In brief:

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§ 801 prohibits conflicts of interest in the context of contracts between the Town and one of its employees. Contracts that violate the statute may be void (§ 804), and the offending employee may be charged with a misdemeanor. Exceptions exist (§ 802) and the term "employee" is broadly defined to include family members and certain related private organizations.

§ 803 requires potential conflicts of interest to be disclosed.

§ 805-a also prohibits Town employees from:

- Soliciting gifts in connection with their Town employment.*
- Disclosing confidential information acquired in connection with their Town employment.*
- Entering into certain compensation agreements that may create a conflict of interest.*

Town employees should familiarize themselves with Article 18. The law itself is posted in Town Hall, and the law and the Comptroller's description of it can be found on the Town's website under the Board of Ethics.

3. Article 18 is not a comprehensive statute. Section 806 leaves to each municipality the task of adopting a code of ethics "setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them." These codes cannot limit the reach of Article 18, but they may increase it. Section 806 requires that the

Town's Code specifically address certain issues, including disclosure of interests that an employee may have in legislation, holding certain investments or undertaking certain employment. It also authorizes the Town to address other potential ethical issues beyond those included in Article 18. It also authorizes the Town to establish a board of ethics, consisting of members who receive no compensation and administer the ethics code.

4. The Town of Shelter Island currently has a Code of Ethics that was adopted in 1970, which is implemented through the Town's Board of Ethics. The current Code, however, does not fully comply with Article 18 and is in need of an update. The Shelter Island Town Board has asked the Board of Ethics to revise and clarify the Code, in the interest of protecting the Town from unethical activity and providing its employees with clear guidance in performing their duties.

RESOLVED, that the Town of Shelter Island hereby adopts a code of ethics to read as follows:

Chapter 8

Code of Ethics

ARTICLE 1 Standards of Conduct

§ 8-1. Purpose.

Officers and employees of the Town of Shelter Island hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. Clear standards will also protect ethical public officials and rebut unfair allegations. This Code of ethics establishes those standards.

§ 8-2. Definitions.

ARTICLE 18- New York State's General Municipal Law, Article 18.

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BOARD- The Town Board and any other administrative board, committee, or other agency or body comprised of two or more Town officers or employees.

CODE- This Code of Ethics.

FINANCIAL BENEFIT- Anything of value, whether in the form of money, property, services, loan, travel, entertainment, hospitality, or promise, or any other form. The benefit can be direct or indirect but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or an area of the Town, or a lawful class of such residents or taxpayers.

HOUSEHOLD- Those persons residing within the same dwelling unit.

INTEREST IN A CONTRACT- A Town officer or employee has an interest in a contract when they, their spouse, minor child, dependent, or corporation in which the Town employee is an owner, officer or employee, would secure a financial benefit under the contract.

INTEREST IN A PRIVATE ORGANIZATION- A Town officer or employee is deemed to have an interest in any private organization when they, their spouse, or a relative, is an owner, partner, member, director, officer, employee, or directly or, in the case of a corporation, indirectly owns or controls more than 5% of the corporation's outstanding stock.

OFFICER or EMPLOYEE- Any Town employee whether paid or unpaid, whether serving full-time, part-time or in an advisory capacity.

RELATIVE- A spouse, brother, sister, parent, child, grandchild, or the spouse of any of them, or a household member of an officer or employee.

TOWN- The Town of Shelter Island.

§ 8-3. Applicability

This Code applies to the officers and employees of the Town and shall supersede any prior Town code of ethics. The provisions of this Code shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 and all rules, regulations, policies and procedures of the Town.

§ 8-4. Prohibition on use of Town position for personal or private gain.

No officer or employee shall use their Town position or official powers and duties to secure a financial benefit for themselves, a relative, or any private organization in which the employee is deemed to have an interest.

§ 8-5. Disclosure of interest in legislation and other matters where discretion is used.

A. Whenever a matter requiring the exercise of discretion, including proposed legislation, comes before an officer or employee, either individually or as a member of a board or committee, and disposition of the matter could result in a financial benefit to the officer or employee, a relative of theirs, or any private organization in which they are deemed to have an interest, the officer or employee shall disclose in writing the nature of the financial benefit.

B. The disclosure shall be made when the matter requiring disclosure first comes before the officer or employee, or when the officer or employee first acquires knowledge of the benefit requiring disclosure, whichever is earlier.

C. In the case of a person serving in an elective office, the disclosure shall be filed with the Town Board and the Board of Ethics. In all other cases, the disclosure shall be filed with the Board of Ethics and that person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the officer, employee or board having the

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power to appoint the person's position. In addition, in the case of a person serving on a board, a copy of the disclosure shall be filed with said board and included in the minutes of the board's meeting.

§ 8-6. Recusal and abstention.

No officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including proposed legislation, when they know or have reason to know that the action could confer a financial benefit on the employee, a relative, or any private organization in which the employee is deemed to have an interest. Further, once recused, that person may not be in the room (or appear via videoconferencing) when the matter is being discussed, voted on, nor participate in any discussions or communications including e-mail or text regarding it.

§ 8-7. Prohibition inapplicable; disclosure, recusal and abstention not required.

This Code's prohibition on use of a Town position (§ 8-4), disclosure requirements (§ 8-5), and requirements relating to recusal and abstention (§ 8-6), shall not apply with respect to the following matters:

A. adoption of the Town's annual budget;

B. any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

- (1) all officers or employees;
- (2) all residents or taxpayers of the Town; or
- (3) the general public; or

c. any matter that does not require the exercise of discretion.

§ 8-8. Investments in conflict with official duties.

A. No officer or employee may acquire the following investments:

- (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 8-6 of the Code; or
- (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of their official powers and duties.

B. This section does not prohibit a Town officer or employee from acquiring any other investments or the following assets:

- (1) less than five percent of the stock of a publicly traded corporation, or
- (2) bonds or notes issued by the Town and acquired more than one year after the date on which they were originally issued.

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

A. No officer or employee, during their tenure as an officer or employee, may engage in any private employment that may be in substantial conflict with the proper discharge of their duties, when:

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

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connection with litigation, negotiations, or any other matter to which the Town is a party.

B. No officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any board of which the officer or employee is a member, or has the power to appoint any member, nor for compensation for services to be rendered in relation to any matter before any agency of the Town whereby compensation is to be dependent or contingent upon any action by such agency with respect to such matter.

C. No officer or employed shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any board, if the compensation is dependent or contingent upon any action by such board or committee with respect to such matter. This paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

§ 8-10. Future employment.

A. No officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

B. No officer or employee, for the one-year period after serving as an officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the Town office, board, department or comparable organizational unit for which they served.

C. No Town officer or employee, at any time after serving as an officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which the employee personally and substantially participated while serving as a Town officer or employee.

§ 8-11. Personal representations and claims permitted.

The Code shall not be construed as prohibiting an officer or employee from representing themselves, or their spouse or minor children before the Town; or asserting a claim against the Town on their own behalf, or on behalf of their spouse or minor children.

§ 8-12. Use of Town resources.

Town resources shall be used for lawful Town purposes.

A. No officer or employee may use or permit the use of Town resources for personal or private purposes. Town resources include, but are not limited to, Town personnel, and the Town's money, vehicles, equipment, materials, supplies or other property. Provided, this provision shall not be construed as prohibiting:

- (1) any use of Town resources authorized by law or Town policy;
- (2) the use of Town resources for personal or private purposes when provided to a Town officer or employee as part of their compensation; or
- (3) the occasional and incidental use during the business day of Town telephones and computers for necessary personal matters such as family care and changes in work schedule.

B. No officer or employee shall cause the Town to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

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§ 8-13. Interests in Contracts.

A. Article 18 requires no officer or employee may have an interest in a contract with the Town when such officer or employee, individually or as a member of a board, has the power or duty to:

- (1) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- (2) audit bills or claims under the contracts, or
- (3) appoint an officer or employee who has any of the powers or duties set forth above.

B. Exceptions to this prohibition are detailed in Article 18, Section 802. These include an exception for contracts entered into prior to the time a Town employee was elected or appointed, and an exception for contracts which in the aggregate do not exceed \$750 in a fiscal year

C. Every officer and employee shall disclose interests in contracts with the Town at the time and in the manner as follows: Any Town officer or employee or their spouse, minor child or dependent, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the Town, shall publicly disclose the nature and extent of such interest in writing to their immediate supervisor, or if a member of a Board to said board, and to the Board of Ethics as soon as the employee has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body. Disclosure and recusal do not cure a prohibited interest.

§ 8-14. Political Solicitations.

A. No officer or employee shall directly or indirectly compel or induce a subordinate Town officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

B. No officer or employee may act or decline to act in relation to appointing, hiring or

promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any Town officer or employee, or an applicant for a position as a Town officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

§ 8-15. Confidential Information.

No officer or employee who acquires confidential information in the course of exercising or performing their official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing their official powers and duties.

§ 8-16. Gifts.

No Town officer or employee shall directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, property, service, loan, travel, entertainment, hospitality, or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any official action on his their part;

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§ 8-17. Disclosure in certain applications.

A. Section 809 of Article 18 imposes strict disclosure requirements on persons applying for variances, exemptions, and other approvals from local planning and zoning regulations. In general, it provides that the applicant must identify any local officer or employee who has an interest in the application. As applied to Shelter Island, every applicant for a variance, land-use amendment, change of zoning, or approval of subdivision map from the Town Board, Zoning Board of Appeals, Planning Board, Town Clerk or Building Department must disclose information pertaining to any interest that a Town officer or employee, their spouse, parents, siblings, children, grandchildren (or the spouses of any of them) may have in the application.

Section 809 (5) provides that one who knowingly and intentionally violates this disclosure requirement shall be guilty of a misdemeanor.

ARTICLE 2 Administration

§ 8-18. Board of Ethics.

A. Article 18, § 808 permits the creation of a Town Board of Ethics (also referred to as “Ethics Board”). This Code hereby authorizes the creation of such a board. The Town Board believes that an independent Ethics Board will assure the public interest in applying this Code without bias or favoritism.

B. The Board of Ethics shall consist of five members, all of whom reside in the Town of Shelter Island and who shall serve without compensation, to be appointed by the Town Board for staggered five- year terms. A majority of such members shall be persons other than Town employees, but the Board shall include at least one member who is a Town employee.

C. Conditions of Board of Ethics membership.

(1) No person may be appointed as a member of the Ethics Board who is a current elected Town officer; or an officer of any local, county or state political party, association, club or independent political committee subject to regulations of the state election law; or a campaign manager, consultant or treasurer for a political party committee or individual election campaign committee or has served in such political capacity during the past twenty-four months.

(2) An Ethics Board member shall promptly resign if entering a campaign race as a

candidate for public office; or as a campaign manager, consultant, or treasurer for a political party committee or individual election campaign committee; or when recusal has become prevalent for such individual for matters before the Board of Ethics.

(3) An Ethics Board member may be removed for cause by the Town Board upon any of the following grounds:

- a. Failure to meet the qualifications set forth in § 8-19 of this chapter; or
- b. Substantial neglect of duty; or
- c. Gross misconduct in office; or
- d. Inability to discharge the powers or duties of office; or
- e. A violation of this chapter.

D. The Ethics Board shall have the following substantive authority:

(1) Town officers and employees may request advice from the Ethics Board concerning their personal compliance with this Code of Ethics. In response to such a request, and after due consideration, the Ethics Board shall issue a confidential advisory opinion to the requesting party.

(2) In the event any person believes in good faith that a Town employee or officer is
May 16, 2023 – continued

engaged in activity that violates this Code, they may file a complaint with the Board of Ethics. The Board of Ethics will investigate such a complaint and issue an opinion on the complaint if it believes there is probable cause of a Code violation. In the absence of such, it will dismiss the complaint.

(3) The Board of Ethics may act on its own motion to initiate an investigation into an employee's alleged violation of this Code.

(4) Upon the written request of the Town Board, of a Town officer or employee, or of any contracting party, the Ethics Board shall investigate and provide to the Town Board a written report and recommendation concerning any Town contract or agreement that may be void pursuant to Article 18, Section 804. Additionally, the Ethics Board may, in its discretion, undertake such an investigation upon its own initiative, in which case it may present a report and recommendation to the Town Board.

§ 8-19. Investigations.

A. Upon receipt of a written complaint alleging a violation of this Code or upon determining on its own initiative that a violation of the Code may exist, the Ethics Board shall have the power and duty to conduct with reasonable promptness any investigation necessary to carry out the provisions of this Code. Written complaints must include the name of the individual complainant. Upon request, the name of a complainant may be kept confidential. If the Board determines that a complaint is frivolous on its face or the alleged violation would be *de minimis*, it may dismiss it without further investigation.

B. In conducting any such investigation, the Ethics Board may administer oaths or affirmations, compel attendance of witnesses, and require the production of any books or records that it may deem relevant and material. The Ethics Board shall make a reasonable effort to obtain voluntary cooperation prior to exercising or enforcing their right to compel testimony. Further, the Ethics Board shall take steps to ensure that every individual's right to due process is protected.

C. Any person filing a complaint with the Ethics Board, and every person who is alleged in such a complaint to violate this Code, shall be notified in writing of the disposition of the complaint.

D. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this Code, or any other law, the Ethics Board shall promptly transmit to the Town Board a copy of the complaint.

§ 8-20. Administration and reporting.

The Board of Ethics shall have the following administrative duties:

- A. To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this Code.
- B. To review, index, maintain on file, and dispose of complaints alleging violations of this Code and to make notifications and conduct investigations. The Board of Ethics shall have the confidential advice of legal counsel employed by the Town or outside counsel and the services of a confidential clerk employed by the Town to keep minutes and files.
- C. To forward its opinions responding to complaints or opinions on its own motion to the Town Board with any recommendations for disciplinary actions and penalties.
- D. To make public on the Ethics Board website its opinions in a brief summary form
May 16, 2023 – continued

that removes all personal identifying information.

- E. To prepare an annual report to the Town Supervisor and Town Board, summarizing the activities of the Ethics Board. The report may also recommend changes to the text or administration of this Code. The Ethics Board shall periodically review this Code and the Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable common sense standards of conduct.

§ 8-21. Penalties.

A. Disciplinary action.

Any officer or employee who engages in any action that violates any provision of this chapter may be warned, reprimanded, suspended, or removed from office or employment, and may be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

B. Civil fine.

Any person who violates any provision of this chapter may be subject to a civil fine not to exceed \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture. A fine may only be imposed by the Town Board, subject to a hearing and any applicable provisions of law and collective bargaining agreements, or appropriate court of law.

C. Damages.

(1)

Any person who violates any provision of this chapter shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture.

(2)

A finding of damages may only be made by the Town Board or an appropriate court of law.

D. Civil forfeiture.

(1)

Any person who intentionally or knowingly violates any provision of this chapter may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil fine pursuant to § 8-21B or damages pursuant to § 8-21C. Treble damages and/or civil forfeiture may only be imposed by the Town Board or a court of appropriate authority.

(2)

The Town Board may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction to obtain civil forfeiture, pursuant to this section.

E. Misdemeanor.

Any Town officer or employer who intentionally violates any provision of § 8-13 shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall forfeit his or her Town office or employment, subject to any applicable provisions of law and collective bargaining agreements.

F. Prosecutions.

The Town Board may refer any information that it receives concerning a possible criminal violation to the appropriate prosecutor or other law enforcement agency. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any violation of this chapter or of any other law.

G. Limit on Ethics Board.

May 16, 2023 – continued

Nothing in this section shall be construed to permit the Ethics Board to take any action with respect to any alleged violation of this chapter, or of any other law, by the Ethics Board or by any member or staff member thereof.

H. Town Board response to the Ethics Board.

The Town Board shall, within 45 days of receipt of a written referral, pursuant to this section, from the Ethics Board, respond in writing and state in sum and substance the Town Board's intention with respect to the referral.

§ 8-22. Posting and distribution.

A. The Town Clerk will ensure that a copy of (i) Article 18, (ii) this Code, and any subsequent amendments thereto, are posted publicly and conspicuously in Town Hall and any additional buildings in which Town employees and officers conduct business.

B. The Town Clerk will ensure that Article 18, this Code, and any subsequent amendments thereto, are posted on the Town's website, and all officers and employees of the Town will be notified by email that they should review the same, and shall periodically attest, upon hiring and at least every five years thereafter, that they have received and reviewed the Code of Ethics. The failure of an officer or employee to review the posted material does not affect either the applicability or enforceability the same.

§ 8-23. Effective date.

This Code takes effect upon the filing with the New York State Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 269

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

WHEREAS, a public hearing was held on Tuesday, May 16th, 2023, to hear any and all persons either for or against a Local entitled "A LOCAL LAW amending Chapter 105 entitled "Rental of Real Property", to require safety inspections for all rental properties and eliminate owner occupied premises from being permitted as vacation rentals of which provides as follows:

LOCAL LAW NO. 7 of 2023

A LOCAL LAW amending Chapter 105 entitled "Rental of Real Property" to require safety inspections for all rental properties and eliminate owner occupied premises from being permitted as vacation rentals.

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

Section 1. Legislative Intent.

The Town Board has a duty to ensure that all rental dwelling units within the Town of Shelter Island are safe for its inhabitants and as such has determined that safety inspections, performed by either a licensed professional or the Building Department, are to be required prior to any use of same. Further, the Town Board finds that the lack of community housing opportunities impacts the ability of Shelter Island residents to secure necessary services. As such, the Town Board has determined that owner occupied premises, also known as accessory apartments, shall only be used as year-round rentals, as already required in the Zoning Code, and not for transient rentals of 14 days or less.

Section 2. Amendment.

Section 105-10 of the Shelter Island Code Chapter 129 (Rentals), is hereby amended by adding the underlined words as follows:

§ 105-10. Rental Regulations generally.

The following regulations apply to all rentals of real property on Shelter Island regardless of rental term.

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(1) Code compliance: Any property offered for rent on Shelter Island shall have a valid and current certificate of occupancy or certificate of compliance and shall be in compliance with the New York State, Suffolk County and Shelter Island Town Building and Fire Codes.

(2) Bedrooms limited: The total number of rooms utilized as bedrooms in any property offered for rent on Shelter Island shall not exceed the number indicated on the building plans filed with the Building Department for the structure(s) in which the rental is located.

(3) Occupancy: The total occupancy of any rental shall not exceed two times the number of conventional legal bedrooms except that children of the age of three years of age shall not count toward the total.

(4) Good neighbor brochure: The owner shall provide a copy of the then current good neighbor brochure, as published in PDF format on the Town website, to each lessee prior to or at the commencement of the rental term and the same shall be considered part of the rental agreement.

(5) Safety Inspection: The owner shall provide a written certification, form to be provided by the Building Department, from a licensed architect, licensed engineer or licensed home inspector that states that the rental dwelling unit fully complies with all of the provisions of the Property Maintenance Code of the New York State Uniform Fire Prevention and Building Code and Code of the Town of Shelter Island. The certification shall include, but not be limited to, the number of bedrooms as indicated on the building plans filed with the Building Department for the structure(s) in which the rental is located, the square footage of each bedroom, the location of every smoke and carbon monoxide detector, and a description of every improvement indicated on the survey. In lieu of the provision of a certification, an inspection may be conducted by the Building Department, and in cases where questions or concerns exist regarding information presented within an application the Building Department retains the right to require an inspection.

Section 105-30 of the Shelter Island Code Chapter 129 (Rentals), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 105-30. Vacation rentals.

A. Vacation rentals generally prohibited. It shall be unlawful and a violation of this chapter for any person or entity that owns, rents or manages property on Shelter Island to rent, lease, or advertise for rent any such property or any portion thereof (including any accessory apartment or accessory sleeping quarters) in any residential (A, AA and C) zone for a period of 14 days or less unless specifically permitted under § **105-30B** or C below.

B.

Permitted vacation rentals. The following shall be permitted notwithstanding § **105-30A** above so long as the property is properly registered under § **105-20**; proper notification is made under § **105-21**; and at registration the owner selects one of the following:

(1)

~~Owner occupied premises. A residential property on Shelter Island may be rented as often as desired and without limit as to frequency or duration of term where one of the following is simultaneously domiciled on the same or immediately adjacent lot (including a legal accessory structure or bedroom) with tenant or tenants during a rental term:~~

~~(a)~~

~~Owner (or an uncompensated member of the owner's immediate family);~~

~~(b)~~

~~Trustee, beneficiary or settlor, if a trust;~~

~~(c)~~

~~President or majority shareholder, if a corporation; or~~

~~(d)~~

~~Member, if an LLC or partnership.~~

~~Member, if an LLC or partnership.~~

~~(2)~~

Homesteader's hardship license. A residential property on Shelter Island that is the owner's primary residence may be rented one time in each seven-day period between and including Memorial Day weekend and Labor Day weekend and one time in every fourteen-day period at all other times pursuant to the homesteader's hardship license, provided that:

(a)

At the time of registration the owner submits proof of the following:

(1)

That the property to be rented is receiving a basic or enhanced star exemption; and

May 16, 2023 – continued

(2)

The owner has an annual gross income (less net rental income) of less than 500% of the United States Department of Health and Human Services Poverty Guidelines which must be verified each registration period by submission of an appropriate redacted copy of federal income tax returns for the most recent tax year. (Tax returns shall be reviewed to determine eligibility then returned or destroyed. No income tax records will be maintained by the Town.); and

(b)

Each qualifying owner and such person's nuclear family (including owner, domestic partner and minor children) is collectively limited to one homesteader's hardship license.

(c)

The homesteader's hardship license may not be combined with other permitted vacation rentals to increase the number of rentals allowed.

(d)

The term shall commence on the first day of occupancy.

(32)

Limited commercial vacation rental license. Vacation rentals are permitted pursuant to a vacation rental license as follows:

(a)

License. An owner (to include his or her nuclear family) not exempted by § **105-30B(1)** or **(2)** above and who has not had a previous license suspended or revoked on Shelter Island, upon application, may obtain to license one property on Shelter Island for use as a vacation rental; and

(b)

Frequency of rental. A vacation rental license permits the owner to rent the licensed premises one time in any fourteen-day period; and

(c)

Commencement of rental period. The fourteen-day period referenced above shall commence on the first day of the term of the initial rental and continue for the 13 following days; and

(d)

License term. A vacation rental license shall be valid for two calendar years to run concurrent with property registration at which time it must be renewed.

(e)

License fee. The fee for the vacation rental license shall be set by the Town Board.

(f)

Multiple licenses prohibited. No owner may be issued a vacation rental license if such person (or any member of his or her nuclear family) owns any interest in another property on Shelter Island for which they have already received or applied for a vacation rental license.

(g)

Corporate ownership. Any legal entity other than a natural person (including but not limited to a corporation, LLC, trust or partnership) may not be issued a vacation rental license on Shelter Island, if any owner, partner, member, settlor, trustee, beneficiary, shareholder, officer, or director of that entity already holds or has applied for a vacation rental license for another property.

(h)

Corporate disclosure. Any partnership, trust, LLC or corporate applicant for a vacation rental license must provide documentation naming all partners, members, settlors, trustees, beneficiaries, shareholders, officers and directors, and submit a statement verifying that none of those named are partners, members, settlors, trustees, beneficiaries, shareholders, officers and directors, of any other corporation or partnership, or an individual owner that already holds or has applied for a vacation rental license on Shelter Island.

(i) Nontransferable. The vacation rental license is specific to the property described on the license and to the individual or entity named on the permit. The vacation rental license may not be transferred, assigned or passed through an estate and does not authorize any person, other than the person named therein, to permit or arrange vacation rentals on the licensed property.

(j)

Agent required. The owner(s) of the vacation rental property must execute a written statement, which designates an agent for service for criminal and civil process pursuant to § 318 of the Civil Practice Law and Rules and must be either:

(1)

A person, firm, partnership or corporation with an actual place of business, or usual place of residence located within the boundaries of the Town of Shelter Island; and/or

[2]

The Town Clerk of the Town of Shelter Island.

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(k)

Obligation to update address. Every owner of vacation rental property shall ensure that the address for service of process is current and shall advise the Town Clerk whenever the address is changed.

(l)

Neighbor contact. The owner must provide the Town of Shelter Island and to all neighbors within 200 feet of the property line of the vacation rental with:

[1]

Owner's personal cell phone number to call in the event of problems with the vacation rental; and/or

[2]

The name and telephone number of a local contact person including name, address, phone number, and email address designated as the owner or owner's agent or representative who resides on Shelter Island.

~~(m)~~

~~Self checklist. Every applicant for a vacation rental license must a notarized self checklist to be available on the Town website verifying the property's compliance with relevant Federal, New York State, Suffolk County and Shelter Island Town regulation.~~

(4)

Fund-raising rentals. Vacation rentals are permitted without limitation for the purpose of fundraising on the premises of Taylor's Island Foundation; the Nature Conservancy (Mashomack); Sylvester Manor or any other nonprofit charitable organization that seeks and obtains a waiver from the Town Board.

Section 3. Authority.

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

Section 4. Severability.

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

Section 5. Effective Date.

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

SUMMARY OF PROPOSED LAW

One purpose of this amendment is to try and ensure that every rental dwelling unit within the Town provides a safe environment for the residents thereof. Additionally, it seeks to compel reversion back to the current requirement in the zoning code that accessory apartments, or accessory dwelling units, be solely used for year-round occupancy, and remove this administrative exception in order to put such dwelling units back into the residential year-round occupancy rental pool, in order to provide more community housing opportunities.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of the Supervisor and seconded by Councilman Colligan the Town Board meeting was adjourned at 7:37 p.m. The motion was carried.

Amber Wilson
Town Clerk

May 23, 2023

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 23rd day of May, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan, and Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Amber Wilson, and approximately fifteen persons were also present. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 3:00 p.m.

RESOLUTION NO. 270

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

WHEREAS, The Beach House LLC c/o Adrien Angelvy, has filed an application to conduct business on Town property for 2023 summer season, and

WHEREAS, the nature of the business is a launch service at the Crescent Beach as outlined in the application, and

WHEREAS, the applicant submitted \$250.00 application fee, and

WHEREAS, the Town Board has reviewed the application and determined that the granting of the license is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, that The Beach House LLC is hereby granted a license to operate the business as outlined in the application, subject to the following conditions:

A. There shall be no tent or chairs located on the Crescent Beach in connection with this launch

B. The location of the licensee's business is subject to review and adjustment by the Shelter Island Police Department and the Shelter Island Highway Department

C. The business operation shall not exceed the period between May 19 and September 10, 2023

D. There shall be no parking spot guaranteed in connection with this application

E. The licensee shall not cone off a parking spot at any time

F. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business

G. The disposal of this trash shall be different from receptacles provided by the Town at the beach

H. The licensee shall obtain appropriate certificate of liability insurance to the satisfaction of Town of Shelter Island insurance broker; and

I. The licensee possesses all other necessary Federal, State and County licenses

J. The license is subject to the execution of a Commerce on Town Property Agreement

BE IT RESOLVED, that the Town of Shelter Island reserves the right to revoke this permit at its discretion; and

BE IT RESOLVED, that due to the nature of the business the Town of Shelter Island will not limit the hours of the operation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 271

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

WHEREAS, pursuant to Chapter 33 of the Shelter Island Town Code, Sylvester Manor/Stephen Seal, 80 North Ferry Road, has requested permission to hold the annual Farm to Table Benefit Dinner to be held on June 24th, 2023, from 6:00 p.m. to 11:00 p.m., and

WHEREAS, the required fees have been submitted, and

WHEREAS, said applicant has requested an exemption from the Noise Ordinance, 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. 272

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

May 23, 2023 – continued

WHEREAS, pursuant to Chapter 33 of the Shelter Island Town Code, Tom Hashagen, on behalf of Shelter Island Recreation Department, has requested permission to hold a music by the beach event to be held on June 28th, July 26th, and August 16th, 2023, from 4:30 p.m., to 7:30 p.m.,

and

WHEREAS, rain dates are scheduled for July 5th, August 2nd and August 23rd, 2023, and
WHEREAS, applicant has requested an exemption from the Noise Ordinance on said event
dates, 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. 273

Councilwoman Larsen offered the following resolution, which was seconded by Council-
man Colligan, to wit:

WHEREAS, pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island
Historical Society, 16 South Ferry Road, has requested permission to hold their third annual musi-
cals to be held on July 20th, 21st, 22nd, and 23rd, 2023, from 6:00 p.m., to 8:00 p.m., with a rain date
of July 30th, 2023, and

WHEREAS, the required application fees have been submitted, and

WHEREAS, the applicant has requested an exemption from the Noise Ordinance, and

BE IT RESOLVED, that said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 274

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

WHEREAS, pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island
Historical Society, 16 South Ferry Road, has requested permission to hold a 1970's Dance Party to
be held on July 29th, 2023, from 6:00 p.m. to 10:00 p.m., and

WHEREAS, the required application fees have been submitted, and

WHEREAS, the applicant has requested an exemption from the Noise Ordinance, and

BE IT RESOLVED, that said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Supervisor Siller and seconded by Councilwoman Larsen, the special meeting
was adjourned at 3:05 p.m. The motion was carried.

Amber Wilson

Town Clerk

June 6, 2023

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shel-
ter Island Town Hall, Shelter Island, New York on the 6th day of June, 2023. Town Board members
present were Councilmen James Colligan and Barbara Jean Ianfolla, Councilwomen Amber Brach-
Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson
and approximately ten persons were also present. Supervisor Gerard F. Siller was absent.

Salute to flag

Correspondence included the following

1. A letter from the Shelter Island Association regarding accessory dwelling units
2. A letter from Joshua Greenwald regarding the moratorium.

June 6, 2023 – continued

RESOLUTION NO. 275

Councilwoman Larsen offered the following resolution, which was seconded by Council-
man Colligan, to wit:

WHEREAS, Peter and Claire DeSanctis, 115 South Ferry Road, have petitioned the Town
of Shelter Island for permission to remove and replace (in-place and +/-6 “ higher) approximately
156 linear feet of existing concrete seawall with vinyl bulkhead, remove and replace (in-place) +/-

43' southerly concrete seawall return with vinyl return, install +/-12' northerly return, and backfill with approximately 40 cubic yards of clean sandy backfill to be trucked in from an approved up-land source, remove and replace (in-place) +/-4' x 3' section of existing timber dock catwalk and +/-4' x 10' section of existing wood ramp to allow for reconstruction of bulkhead, and permanently remove 43 linear feet of timber bulkhead located of existing seawall, all as depicted on the project plan prepared by En-Consultants, dated April 27, 2023, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:10 p.m., prevailing time on the 27th day of June 2023, in the Shelter Island Town Hall, 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. 276

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

BE IT RESOLVED, that Jalill Carter is hereby appointed to serve as Traffic Control Officer for the year of 2023 at the rate of \$21.00 per hour, retroactive to May 25, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 277

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that Aroldo Castro and John Gilligan are hereby appointed to serve as Traffic Control Officers for the year of 2023 at the rate of \$20.00 per hour, retroactive to June 1, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 278

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that Charles Kraus is hereby appointed to serve as an on call, as needed, Maintenance Mechanic 1 retroactive to December 1, 2022.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 279

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

BE IT RESOLVED, that Harrison Weslek, Luca Martinez, Alex Burns, Andrea Napoles, Margaret Colby and Finn Egan are hereby appointed to serve as Lifeguards for the year of 2023 at a rate of \$17.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 280

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

BE IT RESOLVED, that Cass Egan is hereby appointed to serve as Lifeguard for the year of 2023 at a rate of \$18.50 per hour.

June 6, 2023 – continued

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 281

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that Francis Regan is hereby appointed to serve as Lifeguard for the year of 2023 at a rate of \$18.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 282

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that Leonardo Dougherty is hereby appointed to serve as Lifeguard for the year of 2023 at a rate of \$17.50 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 283

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

BE IT RESOLVED, that Julia Weisenberg is hereby appointed to serve as Assistant Recreational Leader for the year of 2023 at a rate of \$20.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 284

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

BE IT RESOLVED, that Nell Lowell is hereby appointed to serve as Swim Instructor for the year of 2023 at a rate of \$30.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 285

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED that Judith Lechmanski is hereby appointed to serve as provisional Sole Assessor to be paid as per the 2023 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 286

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED that Coco Lee Thuman is hereby appointed to serve as provisional Office Assistant to the Town Clerk's office, retroactively to June 1st, for six-month period as per the 2023 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 287

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island does hereby approve the Service Award Program list of 2022 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 288

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

WHEREAS, Richard V. Homan has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 3 Montclair Avenue, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$6,000.00 be awarded, now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$6,000.00 in eligible costs upon completion of the project and subject to the applicant's compliance with and completion of all terms and conditions of the conditional rebate agreement, and

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 289

Deputy Supervisor offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, That Resolution NO. 152 from March 14, 2023 stating the approval of specific budget transfers hereby is amended to read as follows:

BE IT RESOLVED, That the following 2022 budget transfers are hereby approved: \$175.00 from the A8160.408 Landfill Repairs & Maintenance account to the A8160.423 Landfill Electric account; \$2,000.00 from the A8160.408 Landfill Repairs & Maintenance to the A8160.439 Landfill Demo Concrete Out account; \$3,800.00 from the A8160.408 to the Landfill Repairs & Maintenance A8160.444 Landfill Environmental Monitoring account; \$17,452.00 from the A1490.409 Parks & Beaches account to the A1490.414 Town Hall/Buildings account; \$750.00 from the A1490.409 Public Works Park & Beaches account to the A1490.425 Public Works Non-Highway Tree account; \$150 from the A1490.409 Public Works Park & Beaches to the A1490.421 Public Works Congdon's Creek account; \$4,900.00 from the DA5140.100 Personnel Services to the DA5130.441 Gas account; \$1,800.00 from the DA5140.100 Personnel Services account to the DA5130.246 Equipment account; 8 \$10,000.00 from the DB5110.150 PS account to the DB5110.441 Highway Repair & Improvement Fuel account; \$17,000.00 from the DB5110.150 PS account to DB5110.445 Highway Improvements account; \$6,480.00 from the DB5110.479 Surveys account to the DB5110.445 Highway Improvements account; \$1,800.00 from the DB5110.480 MS4 account to the DB5110.445 Highway Improvements account; \$6,100.00 from the DB5110.482 MS4 Drains account to DB5110.445 Highway Improvements account; and \$6,000.00 from the DB5110.483 PEP account to DB5110.445 Highway Improvements account; and that the following 2023 budget transfers are hereby approved: \$16,876 from the A1355.100 account to A1355.101 account; and \$32,876 from the A1355.100 account to the A1355.102 account; and \$1,854.73 from the B1990.400 account to the B3620.108 account; and \$1,854.73 from the B1990.400 account to the B8010.108 account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 290

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the following 2023 budget transfers are hereby approved: \$240 from A1010.496 to A1420.492; \$1,505.97 from A1990.400 to A1355.484; and \$5,000 from A1410.110 Summer intern to A1410.106 Office Assistant.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 291

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

BE IT RESOLVED, that following 2023 Interfund Transfer is hereby approved:

June 6, 2023 – continued

\$1,650 from Water Quality Improvement Projects to the Community Preservation Fund for monies owed for the 2019 audit; \$1,650 from Water Quality Improvement Projects to the Community Preservation Fund for monies owed for the 2020 audit; \$6,375 from Water Quality Improvement Projects to the Community Preservation Fund for monies owed for the 2021 audit (for a total sum of \$9,675).

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 292

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$2,184.00 from the A3120.491 PD contracts account to Vigilant Solution for the annual subscription renewal fee, and \$2,815.00 from the A3120.491 PD contracts account to At-Scene, LLC for the annual subscription

renewal fee.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 293

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Ianfolla:

BE IT RESOLVED, That 2023 general claims numbered 825 through 964 in the amount of \$112,095.27, 2023 Highway claims numbered 90 through 103 in the amount of \$61,928.62 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 6:10 p.m., the Deputy Supervisor recessed the regular meeting and opened the public hearing to be held as advertised on the application of William Herzog, 5 Hillside Drive, permission to install a mooring at a location designated as latitude 41.06627° north and longitude 72.36325° west.

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

The Deputy Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: the WMAC met on May 1st and the coordinates did not quite match the proposed location. The WMAC adjusted the location to the grid coordinates 41.066066° north and -72.363533° west and approved the application.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared this hearing closed at 6:12 p.m., and called to order the public hearing to be held as advertised on the application of James Royer, 36 Peconic Ave, for permission to perform a maintenance dredge as per DEC permit #1-4732-00187/00024, to dredge entrance to existing boat basin to a depth of -4' mean low water, place approximately 150 c.y. of dredge spoil at the bulkhead landward of apparent high water and approximately 260 c.y. of dredge spoil upland.

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

The Deputy Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC discussed this yesterday. A few members noted that they it appeared that the work had already occurred which means it occurred without the requisite Town permit.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition.

June 6, 2023 – continued

There being no comments, the Deputy Supervisor adjourned this hearing at 6:13 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 33, Entitled “Assemblies, Outdoor”, to Clarify when an Outdoor Assembly Permit is Required””.

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

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. A question was asked if a certain even required a permit. There being no further comments, the Deputy Supervisor declared this hearing closed at 6:17 p.m., and reconvened the public hearing on Liberty Lawn Care, 17 North Ferry Road, site plan review application.

The Deputy Supervisor called for the report from the Conservation Advisory Committee, which was follows: it goes all the way back to March 13th so it's a three months old. They voted 5-0 in favor of the applicant. They had two recommendations that were noted on here.

One was the survey dated 1 23 2020 and updated on September 7th 2022 to indicate the present condition of the site and they were looking to update that site assignment shows a one-story frame

house that has been demolished and the septic tank it should indicate the present condition and not show the old house. The second one was, submit a certificate of abandoned and of the septic which is something that they had asked for site plan C1 dated March 24, 2022 conflicts with a Special permit application paragraph e there are no Evergreens indicated just a stock-based fence.

The Deputy Supervisor called for the report from the Planning Board, which was follows: the use and structure are commensurate with B zoning and adjacent businesses. A hope that a little more attention will go into how it will present to travelers on 114 so that it's not viewed as another industrial structure off the main road. They recommend approval of the site standard re-view application. They did have some other notes they were requesting that there only be one entry and exit so one curve cut instead of two. Also requested evergreens

The applicant gave a presentation of the application.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There was a question of the site plan review application process and when the Town Board will be doing the review. There being no further questions, at 6:26 p.m. the Deputy Supervisor declared this hearing closed but open for written comment until June 14, 2023.

At 6:38 p.m., the Deputy Supervisor reconvened the regular meeting.

RESOLUTION NO. 294

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, William Herzog, 5 Hillside Drive, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.06627° north and longitude 72.36325° west, and

WHEREAS, a public hearing was duly held on the 6th day of June, 2023, 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, at a location designated as latitude 41.066066° north and longitude 72.363533° west, per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 295

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

WHEREAS, a public hearing was held on Tuesday, June 6th, 2023, to hear any and all persons either for or against a Local Law entitled "A LOCAL LAW amending Chapter 33, Entitled "Assemblies, Outdoor", to Clarify when an Outdoor Assembly Permit is Required" of which provides as follows:

June 6, 2023 – continued

LOCAL LAW NO. 8 of 2023

A LOCAL LAW amending Chapter 33, Entitled "Assemblies, Outdoor", to Clarify when an Outdoor Assembly Permit is Required.

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

Section 1. Legislative Intent.

The Town Board finds that the section of the Town Code pertaining to whether an Outdoor Assembly Permit is required is vague and requires clarification to prevent confusion and clearly enumerate what events trigger the need for same.

Section 2. Amendment.

Section 33-2 of the Shelter Island Code Chapter 33-2(A), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§33-2. Permit required; application.

A. ~~No person, firm or corporation shall conduct any organized race, children's ride, adult ride, circus, carnival, tent show, music performance or fireworks display, whether on public or private property or Town waters, without an outdoor assembly permit. Additionally, any event involving Town services within the Town of Shelter Island, excluding the Village of Dering Harbor, requires an outdoor assembly permit from the Town Board of the Town of Shelter Island. Additionally, at a Town-owned beach or park the following activities shall only be permitted under the terms and conditions of an outdoor assembly permit duly issued by the Town Board: [Amended 9-7-2007 by~~

~~L.L. No. 9-2007]~~

- ~~(1) Activities involving erection of a dance floor, arch, tent greater than 100 square feet, fence or other structure; or~~
~~(2) Private concerts, shows or dances; or~~
~~(3) Staging area for walkathons, marathons or bike races.~~

A. An outdoor assembly permit shall be required to conduct the following, whether on private or public property or town waters:

1. An organized race;
2. A fair;
3. A circus, carnival, or tent show;
4. A music performance;
5. A fireworks display;
6. Any event which would utilize Town services within the Town of Shelter Island;
7. Any event to be held at a Town beach, park, or facility which involves the erection of a:
 - a. Dance floor;
 - b. Arch;
 - c. Tent greater than 100 square feet;
 - d. Fence;
 - e. Any other structure; or
 - f. Provides a venue for private concerts, shows, or dances.
8. Any event where the applicant is requesting a noise exemption pursuant to Town Code Section 92-6. Section

7. Authority. The proposed local law is enacted pursuant to Municipal Home Rule Law §10.

Section 8. Severability.

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

Section 9. Effective Date.

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to address the unclear section of the Town Code which dictates when an outdoor assembly permit is required.

June 6, 2023 – continued

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

On motion of the Deputy Supervisor and seconded by Councilman Colligan the Town Board meeting was closed at 6:41 p.m. The motion was carried.

Amber Wilson
Town Clerk

June 27, 2023

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 June, 2023. Town Board members present were Councilmen James Colligan and Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Clerk Amber Wilson, and approximately nine persons were also present. Supervisor Gerard F. Siller and Town Attorney Stephen Kiely were absent.

Salute to flag

Correspondence included the following

1. A letter from Pam Demarest regarding the Liberty Lawn Care application
2. A letter from Daniel and Mara Hochman regarding the 78 Peconic Avenue dock

application.

RESOLUTION NO. 296

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

Whereas, Joshua Greenwald, 1 Pandion, has requested a hardship exemption from the six-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet, now, Therefore

BE IT RESOLVED, a public hearing shall be held at 6:10 p.m., prevailing time on the 18th day of July, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed request.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 297

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Amanda Ellioff, 10 Cove Way, has petitioned the Town of Shelter Island for permission to construct a 4' x 3' platform leading to a 4' x 10' stairway down bluff leading to a 4' x 10' platform with a 4' x 20' fixed ramp leading to a 4' x 40' catwalk. Install a 3' x 16' aluminum ramp leading onto a 4' x 6' landing connected to a 6' x 20' floating dock placed in an "L" configuration. Install two anchor piling to secure float. Construct a 3' wide access stairs on east and west side of catwalk, now, Therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:12 p.m., prevailing time on the 18th day of July, 2023, in the Shelter Island Town Hall, 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. 298

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Todd Prager, 78 Peconic Avenue, has petitioned the Town of Shelter Island for permission to construct a 4' x 125' fixed dock with a 4' x 30' "L" section at offshore end and a 4' x 30' lower platform on east side. Construct access stairway from bulkhead onto dock and to
June 27, 2023 – continued

beach on east and west side of dock. Install 70' of splashboard system below "L" section and offshore end. Install bench facing northwest. Install one tie-off piling. Install three ladders, now, Therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:14 p.m., prevailing time on the 18th day of July, 2023, in the Shelter Island Town Hall, 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. 299

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

WHEREAS, Liberty Lawn and Landscape, LLC filed a site plan application to construct a commercial building for storage and an office, to be used in connection with an established landscaping business;

WHEREAS, a public hearing was held on June 6, 2023; 2023-06-27 Town of Shelter Island - Town Board Meeting Agenda (AW) Page 3 of 7

WHEREAS, the Town Board requires further information regarding parking and the building size to make a determination on said site plan; and now therefore be it

RESOLVED, that the Town Board will reopen the subject hearing in order to procure the requisite information and said public hearing will be held on July 18, 2023, subject to the notice requirements enunciated in Section 109-10(I) of the Shelter Island Town Code.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 300

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

WHEREAS, Cathy Demorato, on behalf of CAST, 53930 Main Road, Southold, NY 11971, has requested permission to hold a Charity Event at 63 South Menantic Road on Friday, June 30th, 2023 from 5:00 p.m.- 8:00 p.m. for approximately 150 attendees, and

WHEREAS, the required fees have been submitted, and

WHEREAS, applicant has requested an exemption from the Noise Ordinance, 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. 301

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Shelter Island Fireworks, P.O. Box 452, Shelter Island, NY, has requested permission to have a fireworks display at Crescent Beach on Saturday, July 8, 2023, at 9:00 p.m., with a rain date of Sunday, July 9, 2023 at 9:00 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, will be producing the fireworks show, and

WHEREAS, the required fees have been submitted, and

WHEREAS, the Shelter Island Fireworks has requested an exemption from the Noise Ordinance for said event, 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 Police Department, the Shelter Island Highway Department, the Shelter Island Fire Department, the EMS Department and the Shelter Island Fireworks group held a meeting to coordinate all aspects of said event, 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 the Shelter Island Fireworks, Inc. to have said fireworks display, and

June 27, 2023 – continued

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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 302

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Shelter Island Fireworks, P.O. Box 452, Shelter Island, NY 11964, has requested permission to hold a Charity Event at 63 South Menantic Road on Friday, July 7th, 2023 from 6:00 p.m.- 11:00 p.m. for approximately 500 attendees, and

WHEREAS, the required fees have been submitted, and

WHEREAS, the applicant has requested an exemption from the Noise Ordinance, 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. 303

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

BE IT RESOLVED, that Harrison Weslek and Rosie Hanley are hereby appointed to serve as Recreation Aide for the year of 2023 at the rate of \$17.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 304

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

BE IT RESOLVED, that Julia Weisenberg is hereby appointed to serve as Recreation Specialist for the year of 2023 at the rate of \$30.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 305

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that Amber Brach-Williams is hereby appointed to serve a member of the Contractors Licensing Review Board for a term to expire on June 27, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 306

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that Catherine Ryan is hereby appointed to serve as Office Assistant to the Committees, with a 35-hour work week, to be paid as per budget, effective June 30, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 307

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

BE IT RESOLVED, that Jeanne Woods is hereby appointed to serve as a part time driver for Senior Services for the year of 2023 at a rate of \$23.49 per hour, effective June 26, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 308

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

June 27, 2023 – continued

BE IT RESOLVED, that the Supervisor or his designee is hereby authorized to enter into an updated contract agreement with the Taylor's Island Foundation on the same terms as the current agreement.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 309

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized to establish a checking account with J.P. Morgan Chase Bank for the Community Housing Fund, and

BE IT FURTHER RESOLVED, That Supervisor Gerard Siller, Councilwoman Amber Brach-Williams, Margaret Larsen, and Councilman James Colligan and Barbara Ianfolla 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 Shelby Mundy are hereby authorized to make transfers of Town funds amongst the designated bank.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 310

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, on February 5, 2021, the Town Board adopted an Employee Handbook; and

WHEREAS, there is an inconsistency between the Employee Handbook and the Town Code regarding whether non-union employees are paid out for accumulated vacation days; and

WHEREAS, the Town Board desires to increase the notice period when an employee is resigning or retiring, or is laid off, in order to receive a payout of their accrued and unused vacation time; and

WHEREAS, the Board desires to revise the Town Code at Chapter 18, Section 13, entitled "Personnel Policies," to be consistent with the Employee Handbook; and

WHEREAS, the Board also desires to revise” Section 702 of the Employee Handbook, entitled “Vacation Leave,” to reflect the increased notice period of retirement or resignation in order to receive the accrued and unused vacation time payout.

NOW, THEREFORE, BE IT RESOLVED, that the amendment will be made to Town Code Chapter 18, Section 13, entitled "Personnel Policies" by deleting the stricken words and by adding the underlined words as follows:

Section 18-13 Accumulated sick days and vacation days

Employees ~~shall~~ will not be paid for accumulated sick days. ~~and/or vacations days.~~

After completing a minimum of one year of continuous service with the Town, an employee who resigns, retires or is laid off will be paid out for accrued and unused vacation leave at the employee’s then current rate of pay. To be eligible to receive this payment, an employee who will be resigning or retiring must provide the employee’s direct supervisor with at least six weeks’ advance written notice of their intention to resign or retire by a specific date. If, due to extraordinary circumstances, an employee is unable to provide the at least six weeks’ advance notice as required by this paragraph, an exception may be made by the Town Board in its sole discretion, upon receipt of a written request by the employee for same and stating the extraordinary circumstance. In the event of the death of an employee, the Town will pay an employee’s designated beneficiary for any unused vacation leave at the employee’s then current rate of pay.

BE IT FURTHER RESOLVED that the following amendment shall be made to Section 702 of the Employee Handbook entitled “Vacation Leave”:

Separation of Employment

After completing a minimum of one year of continuous service with the Town, an employee who resigns, retires or is laid off will be paid out for accrued and unused vacation leave at the employee’s then current rate of pay. To be eligible to receive this payment, an employee who will be resigning or retiring must provide the employee’s direct supervisor with at least six weeks’ advance written notice of their intention to resign or retire by a specific date. If, due to extraordinary circumstances, an employee is unable to provide the at least six weeks’ advance notice as required by this paragraph, an exception may be made by the Town Board in its sole discretion, upon receipt of a written request by the employee for same and stating the extraordinary circumstance. In the event of the death of an employee, the Town will pay an employee’s designated beneficiary for any unused vacation leave at the employee’s then current rate of pay.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 281

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the sum of \$50.00 to David Daly for reimbursement of a Boat Storage Permit.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 282

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$67.45 to CARR Business Systems for the billing period of 6/7/23 – 7/6/23.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 283

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the following budget transfers are hereby approved:
\$835.00 from the A2705SR Senior Center Donations account to the A6777.484 Senior Center Office & Misc. Account, and
\$30,000.00 from the 2023 A9950.0 Transfers to Capital Projects account to A4540.200 Ambulance Equipment.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 284

Councilwoman Larsen offered the following resolution, which was seconded by

Councilman Ianfolla, to wit:

BE IT RESOLVED, That 2023 general claims numbered 965 through 1124 in the amount of \$216,055.77; 2023 Highway claims numbered 104 through 115 in the amount of \$16,283.88 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 6:12 p.m., the Deputy Supervisor recessed the regular meeting and opened the public hearing to be held as advertised on the application of Peter and Claire DeSanctis, 115 South Ferry Road, for permission to remove and replace (in-place and +/-6 “ higher) approximately 156 linear feet of existing concrete seawall with vinyl bulkhead, remove and replace (in-place) +/-43’ southerly concrete seawall return with vinyl return, install +/-12’ northerly return, and backfill with approximately 40 cubic yards of clean sandy backfill to be trucked in from an approved upland source, remove and replace (in-place) +/-4’ x 3’ section of existing timber dock catwalk and +/-4’ x 10’ section of existing wood ramp to allow for reconstruction of bulkhead, and permanently remove 43 linear feet of timber bulkhead located of existing seawall, all as depicted on the project plan prepared by En-Consultants, dated April 27, 2023.

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

The Deputy Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC met June 5th. The application was approved as read.

June 27, 2023 – continued

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared this hearing closed at 6:13 p.m., and reconvened the public hearing on the application of James Royer, 36 Peconic Ave, for permission to perform a maintenance dredge as per DEC permit #1-4732-00187/00024, to dredge entrance to existing boat basin to a depth of -4’ mean low water, place approximately 150 c.y. of dredge spoil at the bulkhead landward of apparent high water and approximately 260 c.y. of dredge spoil upland.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. The applicant was present for the hearing and explained that he did not know there was a public hearing to be held. In the past dredging applications were approved with no public hearings. There being no further comments, the Deputy Supervisor closed this hearing at 6:19 p.m. and reconvened the regular meeting.

RESOLUTION NO. 285

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

WHEREAS, Peter and Claire DeSanctis, 115 South Ferry Road, petitioned the Town of Shelter Island for permission to remove and replace (in-place and +/-6 “ higher) approximately 156 linear feet of existing concrete seawall with vinyl bulkhead, remove and replace (in-place) +/-43’ southerly concrete seawall return with vinyl return, install +/-12’ northerly return, and backfill with approximately 40 cubic yards of clean sandy backfill to be trucked in from an approved upland source, remove and replace (in-place) +/-4’ x 3’ section of existing timber dock catwalk and +/-4’ x 10’ section of existing wood ramp to allow for reconstruction of bulkhead, and permanently remove 43 linear feet of timber bulkhead located of existing seawall, all as depicted on the project plan prepared by En-Consultants, dated April 27, 202, and

WHEREAS, a public hearing was duly held on the 27th day on June, 2023, for all interested person 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:

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.

June 27, 2023 – continued

On motion of the Deputy Supervisor and seconded by Councilman Colligan the Town Board meeting was closed at 6:25 p.m. The motion was carried.

Amber Wilson
Town Clerk

July 11, 2023

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 11th day of July, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan, and Barbara Jean Ianfolla, and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Amber Wilson, and approximately eight persons were also present. Councilwoman Amber Brach-Williams was absent. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 3:14 p.m.

RESOLUTION NO. 286

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

BE IT RESOLVED, that the Supervisor, or his designee, is hereby authorized to execute the professional services agreement with Civic Plus, 203 South 4th St, Suite 500, Manhattan, KS 66502 for the new website development and other website related services to be paid out of a new budget code A1680.400.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 287

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that the following 2023 budget modification is hereby approved: \$20,000 increase to A2401B Interest and Earnings Checking, and \$20,000 increase to A1680.400.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Supervisor Siller and seconded by Councilwoman Larsen, the special meeting was close at 3:16 p.m. The motion was carried.

Amber Wilson
Town Clerk

July 18, 2023

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 18th day of July, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilman James Colligan, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately seven persons were also present. Councilman Barbara Jean Ianfolla was absent.

Salute to flag

Correspondence included the following

1. A letter from Pam Demarest regarding the Liberty Lawn Care site plan review application
2. A letter from Costello Marine requesting adjournment for two dock applications
3. Multiple letters regarding the 78 Peconic Avenue dock application.

July 18, 2023 – continued

RESOLUTION NO. 288

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

Whereas, the Town of Shelter Island intends to submit an application to the Environmental Facilities Corporation applying for a Water Infrastructure Improvement grant to offset the cost of the Town of Shelter Island West Neck Water Municipal Extension project; and

Whereas, the Town of Shelter Island has reviewed the project under the New York State Environmental Quality Review Act and its implementing regulations and determines that the project is a Type II action , and

Whereas, the Town of Shelter Island is committed to funding the construction of the project using existing funds or bond funds as deemed most fiscally appropriate by the Town of Shelter Island, and

Whereas, the Town of Shelter Island wishes to delegate to the Town Supervisor or his designee to sign and execute any document or instrument required by the EFC to apply for or effect the grant, now therefore be it

Resolved, that the Town Board of the Town of Shelter Island, pursuant to 6 NYCRR 617.5(C) (13), hereby determines that the Town of Shelter Island West Neck Water Municipal Extension project is a Type II action; and be it further

Resolved, the Town of Shelter Island declares that existing funds or bond proceeds will be used to pay for the project, and be it further

Resolved, the Town of Shelter Island will request 60% of net eligible project costs from the Water Infrastructure Improvement Grant; and be it further

Resolved, that the Supervisor of the Town of Shelter Island or his designee is authorized to execute EFC Grant Agreements associated with the Town of Shelter Island EFC Grant Application for the Town of Shelter Island West Neck Water Municipal Extension and all other contracts, documents, and instruments necessary to effect the project and to fulfill the Town of Shelter Island's obligations under the grant agreements associated with the Town of Shelter Island West Neck Water Municipal Extension Grant Project.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 289

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

WHEREAS, certain hazardous conditions exist at 185 N. Ferry Road, Shelter Island (S.C.T.M. # 700-7-3-26.3);and

WHEREAS, voluntary compliance has not been achieved and said conditions continue to exist; now, therefore

BE IT RESOLVED, that pursuant to New York State Town Law Section 268 the Town Board authorizes a supreme court enforcement action to be commenced against Dering Creek Corp.

Vote: 3 in favor 1 abstain 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 290

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

WHEREAS, Big Ram, LLC, c/o RHI Operations, LLC, 2 S. Ram Island Drive, has petitioned the Town of Shelter Island for permission to construct a new 4' x 26' angled walkway

leading to a 4' x 65' catwalk, construct 3' wide pedestrian stairs landward end of catwalk, install a new 3' x 14' aluminum ramp leading to a 6' x 25' float, supply and install (2) 10" tie-off piling and (3) 10" piling to secure float into place, remove debris located around existing staircase and plant native vegetation in any bare areas around existing staircase, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:10 p.m., prevailing time on the 8th day of August, 2023, in the Shelter Island Town Hall, 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.

July 18, 2023 – continued

RESOLUTION NO. 291

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

WHEREAS, American Direct, c/o Richard Hogan, 2 Shorewood Court, has petitioned the Town of Shelter Island for permission to remove (2) existing mooring dolphins on west side of existing dock, remove existing 8,000 lb. cradle boat life, install (2) 12' piling for new (4) point boat lift, construct and install a new 6' x 24' float, install 95' +/- of splashboard system off-shore end of existing main dock and "L", now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:12 p.m., prevailing time on the 8th day of August, 2023, in the Shelter Island Town Hall, 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. 292

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

WHEREAS, Douglas Branson and Elizabeth Hurtt, 29 East Brander Parkway, have petitioned the Town of Shelter Island for permission to construct a new 150' dock, install (2) tie-off piling, (2) ladders and access stairs on the inshore end, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:14 p.m., prevailing time on the 8th day of August, 2023, in the Shelter Island Town Hall, 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. 293

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

WHEREAS, Bradley and Margaret Tolkin, 6 Charlies Lane, have petitioned the Town of Shelter Island for permission to perform a 10-year maintenance dredge of a 1,324 sqft. area to -4.0" below low water removing approximately 120 cubic yards of material. All dredge spoils to be removed off site to an approved location, now, therefore

BE IT RESOLVED, that a public hearing will be held at 6:16 p.m., prevailing time on the 8th day of August, 2023, in the Shelter Island Town Hall, 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. 294

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

WHEREAS, Jill Brienza and Nicholas Daraviras, 3 Oak Tree Lane, have petitioned the Town of Shelter Island for permission to remove and dispose of a 164' section and a 72' section of existing bulkhead, construct a 164' section and a 72' section of bulkhead in-kind, in-place, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:18 p.m., prevailing time on the 8th day of August, 2023, in the Shelter Island Town Hall, 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. 295

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

WHEREAS, Sanford Rosen, 32 Hilo Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.06481° north and longitude -72.35905° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter
July 18, 2023 – continued

Island, a public hearing will be held at 6:20 p.m., prevailing time, on the 8th day August, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 296

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

WHEREAS, David Cohen, 62 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.061805° north and longitude -72.364073° 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 6:22 p.m., prevailing time, on the 8th day of August, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 297

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

WHEREAS, James Royer, 36 Peconic Avenue, has requested permission to perform a maintenance dredge as per DEC permit #1-4732-00187/00024, to dredge entrance to existing boat basin to a depth of -4' mean low water, place approximately 150 c.y. of dredge spoil at the bulkhead landward of apparent high water and approximately 260 c.y. of dredge spoil upland, and

WHEREAS, a public hearing was held on the 6th and 27th day of June, 2023, for all 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 maintenance dredging.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 298

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

WHEREAS, the terms of Scott Campbell and Julia Weisenberg as a members of the Deer and Tick Committee expired on June 24, 2023, now, therefore

BE IT RESOLVED, that Scott Campbell and Julia Weisenberg are hereby reappointed to serve as a members of the Deer and Tick Committee for a term to expire on June 24, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 299

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

WHEREAS, the term of Lisa Krekeler as a member of the Zoning Board of Appeals expired on July 8, 2023, now, therefore

BE IT RESOLVED, that Lisa Krekeler is hereby reappointed to serve as a member of the Zoning Board of Appeals for a term to expire on July 8, 2028.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 300

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

BE IT RESOLVED, that Karin Bennett is hereby appointed to serve as AAA driver for the Senior Center for the year of 2023, retroactive to July 14, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

July 18, 2023 – continued

RESOLUTION NO. 301

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

BE IT RESOLVED, that Patricia Castoldi is hereby appointed to serve as part time Deputy Town Assessor for 20 hours per week effective July 11, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 302

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

BE IT RESOLVED, Jalill Carter and John Gilligan are hereby appointed to serve as Detention Attendant's for the year of 2023 at a rate of \$50.00 per hour for the first 2 hours, \$20.00 per additional hours.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 303

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

BE IT RESOLVED, that the Supervisor or his designee is hereby authorized to sign an agreement between the Town of Shelter Island and the Suffolk County Office Of Aging for the Shopping Assistance program.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 304

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

BE IT RESOLVED, that the Supervisor is hereby authorized to credit the sum of \$1,050.00 from the Shelter Island Ambulance Foundation to the A4540.478 account for the reimbursement of Epi Pens.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 305

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

BE IT RESOLVED, that Resolution No. 153 – 2023 is hereby amended to read as follows:

\$50,000 from the A9950.0 for the Police Department ADA project; and \$68,000 from the A9950.0 for the Congdon's Creek Bulkhead.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 306

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

BE IT RESOLVED, That the following 2023 budget modification is hereby approved: \$47,312.00 from the Highway Capital Reserve fund to the DA9950.0 Highway Capital Projects account for the second payment on the 2022 Hyundai Wheel Loader.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 307

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

BE IT RESOLVED, That the following 2023 budget modification is hereby approved: \$39,638.35 from the Highway Capital Reserve fund to the DB5110.445 Highway Repair & Improvements account for the payment on the 2021 Mack tractor trailers.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

July 18, 2023 – continued

RESOLUTION NO. 308

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

BE IT RESOLVED, That the following 2023 budget revisions are hereby approved: \$4,077.86 increase to the 2023 A2680 insurance recovery revenue account, to be funded by the reimbursement check from NYMIR for Claim No. TSHI-2023-003-001, and \$4,077.86 increase to the 2023 A3120.400 Police maintenance expense account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 309

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

BE IT RESOLVED, That the following 2023 budget revisions are hereby approved: \$20,000 increase to the 2023 DB4910 revenue account, to be funded by the check received from Suffolk County for the Community Development Block Grant for paving at the Community Center, and \$20,000 increase to the 2023 DB5110.445 Paving expense account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 310

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

BE IT RESOLVED, That the following 2022 budget transfers, provided and recommended by Cullen & Danowski after their year-end review, are hereby approved for the General Fund: \$5,000 from A1355.105; \$4,474 from A1490.106; \$7,436 from A1490.121; \$55,980 from A1490.414; \$10,378 from A1490.413, \$32,038 from A1490.414A; \$5,867 from A1620.483; \$11,901 from A3120.100; \$9,696 from A3120.100PS; \$7,943 from A3120.491; \$28,310 from A3510.410; \$11,130 from A3510.498; \$130,900 from A4540.401; \$24,082 from A4540.485; \$13,875 from A6772.400; \$51,704 from A8160.119; \$3,429 from A8160.132; \$15,127 from A8160.434; \$1,806 from A8160.442; \$54,161 from A9025.800; \$140,889 from A9060.800 and \$620 to A1010.100; \$60 to A1010.495; \$82,460 to A1010.497; \$2,740 to A1015.200; \$215 to A1110.106; \$800 to A1220.484; \$29,515 to A1320.400; \$20 to A1330.414; \$245 to A1330.484; \$1 to A1355.101; \$1 to A1355.102; \$5,000 to A1355.401; \$600 to A1410.111; \$950 to A1410.484; \$56,465 to A1420.100; \$4,495 to A1420.102; \$50 to A1440.484; \$4,455 to A1490.409; \$9,445 to A1490.410; \$3,025 to A1490.411; \$1,610 to A1490.416; \$135 to A1490.421; \$795 to A1490.425; \$4,375 to A1620.408; \$3,950 to A1620.423; \$4,195 to A1620.424; \$2,015 to A1620.476; \$135 to A1910.400; \$32,890 to A1990.400; \$34,460 to A3120.272; \$15,075 to A3120.400; \$100 to A3120.476; \$95 to A3120.482; \$1,720 to A3120.483; \$3,070 to A3120.484; \$1,430 to A3120.486; \$45 to A3120.488; \$945 to A3150.100; \$75 to A3150.400; \$4,440 to A3510.100; \$75 to A3510.102; \$1 to A3989.400; \$2,140 to A4050.100; \$320 to A4050.484; \$1,005 to A4540.100; \$4,405 to A4540.408; \$9,430 to A4540.428; \$5,475 to A4540.445; \$5,075 to A4540.484; \$225 to A4540.486; \$425 to A4560.423; \$480 to A4560.424; \$95 to A5182.400; \$395 to A5710.400; \$842 to A6772.440; \$940 to A6772.484; \$3,800 to A6775.156; \$70 to A6776.140; \$115 to A6776.146; \$1,415 to A6776.422; \$440 to A6776.445; \$2,500 to A6777.145; \$840 to A6777.147; \$285 to A6777.422; \$755 to A6777.445; \$25 to A6777.484; \$2,440 to A7020.100; \$4,230 to A7020.102; \$1 to A7020.103; \$14,325 to A7020.262; \$2, 125 to A7020.462; \$118,305 to A7110.200; \$2,185 to A7320.102; \$550 to A7320.424; \$54,545 to A8160.120; \$3,730 to A8160.129; \$470 to A8160.408; \$820 to A8160.423; \$3,745 to A8160.444; \$110 to A8160.495; \$9,835 to A8510.408; \$50 to A8510.484; \$2,560 to A8660.400; \$25,705 to A9010.800; \$7,330 to A9015.800; \$400 to A9040.800; \$2,495 to A9050.800; \$1,120 to A9055.800; \$13,925 to A9055.801; \$825 to A9785.6; \$10 to A9785.7.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 311

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

July 18, 2023 – continued

BE IT RESOLVED, That the following 2022 budget transfers, provided and recommended

by Cullen & Danowski after their year-end review, are hereby approved for the Highway Fund: \$199,475 from DA5142.447 and \$4,210 to DA5130.100; \$46,000 to A5130.249; \$9,590 to DA5130.441; \$10 to DA5130.446; \$2,085 to DA5140.167; \$16,955 to DA5140.447; \$1,060 to DA9040.846; \$425 to DA9040.847; \$375 to DA9040.848; \$640 to DA9055.846; \$255 to DA9055.847; \$2,305 to DA9055.848; \$1,630 to DA9060.801; \$145 to DA9060.802; \$56,230 to DA9785.6; \$40,870 to DA9788.6; \$10,245 to DA9730.7; \$6,445 to DA9788.7; \$134.06 from DB1980.400; \$26,132.02 from DB5110.100; \$2,300.22 from DB5110.159; \$1,283 from DB5110.160; \$1,257.33 from DB5110.162; \$1,808.84 from DB5110.480; \$1,362.56 from DB5110.482; \$3,000 from DB5110.483; \$2,171 from DB9010.845; \$3,027.37 from DB9030.845; \$20,105 from DB9060.801, and \$9,430 to DB5110.441; \$28,955 to DB5110.445; \$1,020 to DB5110.479; \$111.40 to DB5112.444; \$25 to DB9040.845; \$205 to DB9055.845; \$22,835 to DB9060.845.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 312

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

BE IT RESOLVED, That the following 2023 budget transfers are hereby approved:

\$550 from A1420.492 to A1010.492,

\$945 from A1010.484 to A1010.496,

\$5,000 from A1620.483 to A1620.408,

\$117 from A3989.200 to A3989.400,

\$5,000 from A6772.140 to A6772.144,

\$2,000 from A6772.140 to A6772.440,

\$500 from A6777.147 to A6777.146,

\$13,100 from A1410.101 to A1220.111,

\$3,695 from A1410.101 to a new code A1220.112,

\$55.13 from B3620.483 to B3620.105,

\$55.13 from B3620.482 to B8010.105,

\$250 from B8030.483 to B8030.484,

\$189 from B8020.102 to B1220.111,

\$4,795 from B8020.102 to a new code B1220.112,

\$1,611 from CP8802.481 to CP8801.101.

\$5,000 from the B-Fund fund balance to B8664.400, and \$500 from the B-fund fund balance to B8664.484.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 313

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

BE IT RESOLVED, That 2023 general claims numbered 1125 through 1280 in the amount of \$199,717.91; 2023 Highway claims numbered 116 through 127 in the amount of \$6,694.93; Community Preservation Fund claim number 8 in the amount of \$150.00 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

There being no public hearings, at 6:17 p.m., the Supervisor opened the meeting to the public. One person suggested the application on Liberty Lawn Care require a curb cuts installed. A question was asked about the budget transfer process.

On motion of the Supervisor and seconded by Councilwoman Larsen the Town Board meeting was closed at 6:20 p.m. The motion was carried.

Amber Wilson
Town Clerk

July 25, 2023

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 25th day of July, 2023. Town Board members

present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Amber Wilson, and approximately three persons were also present. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 3:10 p.m.

RESOLUTION NO. 314

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

WHEREAS, Jennifer Brewer Smith, has requested permission to hold celebration of life event to be held at Shell beach, July 30th, 2023 from 11:00 a.m. – 1:00 p.m. for approximately 25 attendees, and

WHEREAS, the required application and fees have been submitted, 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. 315

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

WHEREAS, the Town Supervisor executed the subject Memorandum of Understanding with Online Mooring, LLC, to process Shelter Island Town mooring applications online on April 18, 2022; and

WHEREAS, pursuant to the subject Memorandum of Understanding there is an application and renewal charge by Online Mooring, LLC, now, therefore

BE IT RESOLVED, that application, renewal fees, and the 3.75 % , plus \$0.30 fee, for credit card payments (if applicable) charged by Online Mooring, LLC, shall be borne directly by the online mooring applicants.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Supervisor Siller and seconded by Councilman Colligan, the special meeting was adjourned at 3:13 p.m. The motion was carried.

Amber Wilson
Town Clerk

August 8, 2023

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 August, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately eighteen persons were also present.

Salute to flag

RESOLUTION NO. 316

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the Memorandum Of Understanding between the Town of Shelter Island, The North Ferry Co. INC, and The South Ferry Company INC., for the Hazard Mitigation Assistance Grant that was successfully applied for, via the New York State Homeland Security and Emergency Services Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 317

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

BE IT RESOLVED, by the Town Board of the Town of Shelter Island that the Low Nitrogen Sanitary System Rebate authorized by Chapter 88 of the Town Code hereby amends the base grant to an amount of up to \$12,000.00 for the I/A system and, if a Pressurized Shallow Drainfield is installed an additional amount of up to \$5,000.00 and for well relocation an additional amount of up to \$4,000.00.

Vote: 4 in favor 0 opposed 1 abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 318

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

WHEREAS, Sylvester Manor has requested a grant from the Green Options Committee in the amount of \$1,145.00, for the Sylvester Manor food waste diversion program, and

WHEREAS, on August 3, 2023, request was presented to the Town Board, now, therefore

BE IT RESOLVED, said request is hereby approved in the amount of \$1,145.00 from the Green Options contractual budget, subject to full compliance with any applicable laws and regulations governing public composting.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 319

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

WHEREAS, the New York State Water Quality Improvement Program (WQIP) has made funds available to implement projects that directly improve water quality; and

WHEREAS, the WQIP program supports nonpoint source abatement projects to support in-waterbody controls for nutrients; and

WHEREAS, the Town is planning to implement the recommendations contained in the Fresh Pond In-Waterbody Nutrient Control Feasibility Study; and

WHEREAS, the WQIP provides support for eligible capital costs, and requires 25% matching share based on the grant award amount; and

WHEREAS, The Town will submit a grant application requesting an amount not to exceed \$1,000,000, and providing up to \$250,000 in local matching funds from local Water Quality Improvement Funds and/or budgetary appropriations.; now, therefore

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby authorizes the Supervisor or his designee to execute any and all documents pertaining to the New York State Water Quality Improvement Program grant application submittal for the Fresh Pond In-Waterbody Nutrient Control project.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 320

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, the Town of Shelter Island ratifies the submission of a grant application dated July 21, 2023 to the NYS Department of Criminal Justice Services Livescan grant program in the amount of \$24,100.00, for the purpose of upgrading Police Department equipment, and

WHEREAS, said submission is a 100% grant with no local match required, now, therefore

BE IT RESOLVED, that James Read shall serve as Project Manager in connection with this project.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 321

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

WHEREAS, Arthur and Barbara Bloom have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 69 North Menantic Road, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$6,000.00 be awarded, now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$6,000.00 in eligible costs upon completion of the project and subject to the applicant's compliance with and completion of all terms and conditions of the conditional rebate agreement, and

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

Vote: 3 in favor 1 opposed 1 abstain
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 322

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, August 29, 2023, at 6:10 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 128, entitled “Waterways”, to update the “Anchor or Anchoring” definition, of which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW amending Chapter 116, entitled Chapter 128, entitled “Waterways”, to update the “Anchor or Anchoring” definition

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

Section 1. Legislative Intent.

The Town Board has determined that the “Anchor and Anchoring” definition was outdated and did not account for new technology that allows the anchorage of boats without the necessity of an anchor. The expanded anchoring definition will ensure that anchoring prohibitions may be enforced against those who employ nontraditional methods of anchoring.

Section 2. Amendment.

Section 128-4 of the Shelter Island Code Chapter 128(Waterways), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§128-4. Definitions.

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

Anchor or Anchoring

The attachment of, or to attach, a boat or vessel to the ground or bottom by means of tackle so designed that, when such attachment is terminated, the tackle in its entirety is removed from the ground or bottom and taken under the control of the boat or vessel or by maintaining a constant position by use of any dynamic positioning system for more than 15 minutes.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130(17).

Section 4. Severability.

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

Section 5. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to modernize the “Anchor or Anchoring” definition to incorporate new technologies in order to enforce existing anchoring prohibitions.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 323

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, August 29, 2023, at 6:12 p.m. to hear any and all

persons either for or against a local law entitled “A LOCAL LAW amending Chapter 88, entitled “Low-Nitrogen Sanitary System Rebate Program”, to remove the ability to assign a rebate, of which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW amending Chapter 88, entitled “Low-Nitrogen Sanitary System Rebate Program”, to remove the ability to assign a rebate.

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

Section 1. Legislative Intent.

The Town Board has determined that the assignment of a rebate directly to a professional or installer, rather than the homeowner, creates an opportunity to inject the Town into a contractual dispute and as such an assignment should no longer be permitted.

Section 2. Amendment.

Section 88-2D of the Shelter Island Code Chapter 88(Low-Nitrogen Sanitary System Rebate Program), is hereby amended by deleting the stricken words as follows:

§88-2. Low-Nitrogen Sanitary System Upgrade Rebate Program.

~~D. At any time prior to the issuance of the rebate funds, the applicant may in writing, on the form provided, assign the proceeds of the rebate to any professional(s) or installer(s) to whom payment shall be made due to services rendered on the covered project.~~

~~[Added 7-19-2019 by L.L. No. 13-2019]~~

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130.

Section 4. Severability.

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

Section 5. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to prevent the Town from being entangled in a homeowner versus contractor dispute by eliminating the possibility of IA rebate assignment.

Vote: 4 in favor 0 opposed 1 abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 324

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, August 29, 2023, at 6:14 p.m., prevailing time to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 116, entitled “Smoking”, to extend the smoking prohibition to all town beaches and parks, of which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW amending Chapter 116, entitled “Smoking”, to extend the smoking prohibition to all town beaches and parks

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

Section 1. Legislative Intent.

The Town Board finds that residents, families, and guests should be able to enjoy all Town Properties, including all Town beaches and parks without being concerned about secondhand smoke, environmental degradation due to dropping cigarettes and wildfires.

Section 2. Amendment.

Section 116-3 of the Shelter Island Code Chapter 116(Tobacco, Cannabis and Public Smoking), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§116-3. Smoking prohibited on ~~certain~~ Town properties.

Smoking, to include burning or vaping of any material, including but not limited to tobacco, hemp and marijuana, shall be prohibited at all times ~~at the following locations:~~

A. ~~Crescent (Louie's) Beach.~~

B. ~~Wade's (Tuthill's Beach).~~

at any property owned or operated by the Town of Shelter Island, including any beach or park as defined by §36-9 of the Town of Shelter Island Town Code.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130.

Section 4. Severability.

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

Section 5. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to expand the initial prohibition on smoking, from only two town beaches, to all town owned or operated properties in order to protect the health, safety and welfare of town residents, families and guests from the harms of secondhand smoke, littering and wildfires.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 325

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby calls for a public hearing to be held on August 29th, 2023 at 6:16 p.m. prevailing time for the purpose of utilizing Water Quality Improvement funds of \$14,863.00 for the costs associated with the water testing sponsored by the Water Advisory Board.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 326

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

WHEREAS, Robert Watt, 56 Ram Island Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.08421° north and longitude -72.32258° west, formerly occupied by the William Derrough C-2689 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 6:18 p.m., prevailing time, on the 29th day of August, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 327

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

WHEREAS, William Birch, 15 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to remove and replace (3) existing 2-pile dolphins and install (2) new single mooring piles, and (4) new 2-pile dolphins, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:20 p.m., prevailing time on the 29th day of August, 2023, in the Shelter Island Town Hall, 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. 328

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

WHEREAS, the Shelter Island Chamber of Commerce has requested to hold the Art and Craft Fair on the Shelter Island School Grounds on August 26, 2023, from 10:00 a.m. – 5:00 p.m., with a rain date of September 2, 2023, and

WHEREAS, The application was submitted to the Police Department and Highway Department, and

WHEREAS, The Town Board has waived the required fees, and

WHEREAS, the Shelter Island Highway Department has stated the following: All garbage must be picked up in the area, any markings in the street must be washable and no obstructions on the road during this event, and

WHEREAS, the Shelter Island Police Department is prepared to assist with this event done in the past, now, Therefore

BE IT RESOLVED, That the said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 329

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

BE IT RESOLVED, that the following budget transfer is hereby approved: \$9,000.00 from the A1410.101 account to the A1410.200 Equipment account, and \$5,000.00 from the A1410.101 account to the A1410.484 Office & Misc. account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 330

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$1,631.22 from the B3620.491 Contracts account to CARR Business Systems, for the billing period of July 1, 2023 through June 30, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 331

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$947.60 from the B3620.491 Building Inspector Contracts Account and \$947.60 from the Zoning Service Contracts Account to Community Development Solutions for the Municipality Annual Support.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 332

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of

\$1,616.00 to East End Computers, LLC, for the July 1, 2023 – June 30, 2024 Security Awareness Training Subscription.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 333

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$400.00 from the A3120.491 PD contracts account to Maglocen, Inc, for the July 1, 2023 – June 30, 2024, annual membership.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 334

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$59,772.00 from the A3120.491 PD Contracts account to Town of Southold for the dispatch payment of 2022.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 335

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That 2023 general claims numbered 1281 through 1427 in the amount of \$82,214.77; 2023 highway claims numbered 128 through 140 in the amount of \$24,272.87; and 2023 community preservation claims numbered 9 through 12 in the amount of \$1,171.87 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 6:18 p.m., the Supervisor recessed the regular meeting and opened the public hearing on the application of Big Ram, LLC, c/o RHI Operations, LLC, 2 South Ram Island Drive, to construct a new 4' x 26' angled walkway leading to a 4' x 65' catwalk, construct a 3' wide pedestrian access stairs landward end of catwalk, install a new 3' x 14' aluminum ramp leading to a 6' x 25' float, supply and install (2) 10" tie-off piling and (3) 10" piling to secure float into place, remove debris located around existing staircase and plant native vegetation in any bare areas and existing staircase.

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

At 6:19 p.m., the Supervisor made a motion to adjourn this hearing pending the WMAC report. Councilwoman Brach-Williams second. This motion was carried.

At 6:20 p.m., the Supervisor the supervisor called to order the public hearing to be held as advertised on the application of American Direct, LLC, c/o Richard Hogan, to remove (2) existing mooring dolphins on west side of existing dock, remove 8,000 lb cradle boat lift, install (2) 12' piling for new (4) point boat lift, construct and install a new 6' x 24' float, install 95' +/- of splash-board system off-shore end of existing main dock and "L" shape.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: The existing dock is non-conforming, the proposed changes were not in-kind and in-place and did not decrease the level of non-conformity. WMAC requested to submit more conforming proposal and tabled the application.

At 6:21 p.m., the Supervisor made a motion to adjourn this hearing, and called to order the public hearing to be held as advertised on the application of Douglas Brandon and Elizabeth Hurtt, 29 East Brander Parkway, to construct a new 4' x 150' dock, install (2) tie-off piling, (2) ladders

and access stairs on the inshore end.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: The proposed dock exceeds the allowed 100' length. WMAC requested applicant to submit conforming proposal and tabled the application.

At 6:22 p.m., the Supervisor made a motion to adjourn this hearing and open the hearing to be held as advertised on the application of Bradley and Margaret Tolkin, 6 Charlies Lane, to perform a 10-year maintenance dredge of a 1,324 sqft area to -4.0' below mean water, remove approximately 120 cubic yards of material and all dredge spoils to be removed off site to an approved location.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows; a vote of 6-0 to approve this dredging project.

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed and called to order the public hearing to be held as advertised on the application of Jill Brienza and Nicholas Daraviras, 3 Oak Tree Lane, to remove and dispose a 164' section and a 72' section of existing bulkhead, construct a 164' section and a 72' section of bulkhead in-kind, in-place.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows; a vote of 6-0 to approve this application.

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. There being no comments, at 6:23 p.m., the Supervisor declared this hearing closed and opened the public hearing to be held as advertised on the application of Sanford Rosen, 32 Hilo Drive, to install a mooring in West Neck Bay at a location designated as latitude 41.06481° North and longitude -72.35905° West.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows; a vote of 6-0 to approve this location.

The Supervisor opened the hearing for all of those to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed and opened the public hearing to be held as advertised on the application of David Cohen, 62 Westmoreland, to install a mooring in West Neck Bay at a location designated as latitude 41.061805° North and longitude -72.364073° west.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows; a vote of 6-0 to approve this location.

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. There being no comments, at 6:25 p.m., the Supervisor declared this hearing closed and called to order the public hearing to be held as advertised on the application of Joshua Greenwald, 1 Pandion, for the request of a hardship exemption from the six-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet.

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

At 6:31 p.m., the Supervisor made a motion to adjourn this hearing and continue at a Special Meeting to be held on Tuesday, August 15, 2023, due to connection issue via Zoom and called to order the hearing to be held as advertised on the application of Liberty Lawn and Landscape, LLC, 17 North Ferry Road to construct a commercial building to serve landscape business.

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

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. After a brief discussion, at 6:37 p.m., the Supervisor declared this hearing closed and reconvened the regular Town Board meeting.

RESOLUTION NO. 336

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

WHEREAS, Bradley and Margaret Tolkin, 6 Charlies Lane, have requested permission to perform a maintenance dredge of a 1,324 sqft. area to -4.0' below mean low water, removing approximately 120 cubic yards of material, all dredge spoils to be removed off site to an approved location, and

WHEREAS, a public hearing was held on the 8th day of August, 2023, for all 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 maintenance dredging.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 337

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

WHEREAS, Jill Brienza and Nicholas Daraviras, 3 Oak Tree Lane, have petitioned the Town of Shelter Island for permission to remove and dispose of a 164' section and a 72' section of existing bulkhead, construct a 164' sections and a 72' section of bulkhead in-kind, in-place, and

WHEREAS, a public hearing was duly held on the 8th day of August, 2023, 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. 338

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

WHEREAS, Sanford Rosen, 32 Hilo Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.06481° north and longitude -72.35905° west, and

WHEREAS, a public hearing was duly held on the 8th day of August, 2023, 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. 339

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

WHEREAS, David Cohen, 62 Westmoreland Drive has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.061805° north and longitude -72.364073° west, and

WHEREAS, a public hearing was duly held on the 8th day of August, 2023, 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. 340

Councilman Ianfolla, offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, on August 3, 2022, Liberty Lawn and Landscape, LLC, by Walter Richards, filed a site plan application to construct a 3,785 s.f. commercial building for storage and office use, to be used in connection with an established island landscaping business, as shown on the Sherman Engineering & Consulting, P.A. Site Plan dated March 24, 2022;

WHEREAS, the subject building will be serviced by an I/A sanitary system and have water service;

WHEREAS, the subject property is located at 17 North Ferry Road, Shelter Island (S.C.T.M. #700-15-3-94) and is within a "B" Zoning District;

WHEREAS, the proposed construction meets all of the dimensional regulations of the "B" Zoning District and will include the requisite number of parking spots;

WHEREAS, the Planning Board reviewed the subject application and issued a recommendation for approval on March 20, 2023;

WHEREAS, a public hearing was conducted on June 6, 2023;

WHEREAS, the hearing was closed on June 6, 2023, with written submission permitted by June 14, 2023;

WHEREAS, in order to make a decision on the subject application the Town Board required further information regarding parking and building size;

WHEREAS, the subject hearing was reopened and set for August 8, 2023, in order to give the applicant an opportunity to provide same;

WHEREAS, the Town Board considered the factors enunciated in Section 109-3 of the Shelter Island Town Code; and now therefore be it

RESOLVED, that pursuant to Section 617.5(9) of the New York State SEQRA Regulations (6 NYCRR Part 617) the Town Board determines this to be a Type II action; and be it further

RESOLVED, that pursuant to Chapter 109 of the Shelter Island Town Code, the Town Board hereby approves the subject site plan, as shown on the Liberty Lawn and Landscape, LLC, site plan prepared by Sherman Engineering & Consulting, P.A., revised June 21, 2023, subject to the following conditions:

1. The planting bed surrounding the AC units shall contain vegetation that fully screens same; and
2. The proposed 6' privacy fence shall be made with horizontal wooden slats.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:45 p.m., the Supervisor opened the meeting to the public. After a brief discussion regarding the Comprehensive Plan update, the Supervisor made a motion to adjourn the Town Board meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson
Town Clerk

August 15, 2023

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 15th day of August, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan, and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Deputy Town Clerk Linda Cass, and approximately twelve persons were also present. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 2:58 p.m.

Correspondence included the following:

1. A letter from Lori Beard Raymond regarding the hardship exemption request.

The Supervisor reconvened the public hearing on the application of Joshua Greenwald, 1 Pandion, for the request of a hardship exemption from the six-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet.

The applicant was present for the hearing and answered questions and concerns about said request.

At 3:02 p.m., the Supervisor opened the hearing for all to be heard in favor of or in opposition. Some expressed views against said request. There being no further comments, the Supervisor made a motion to close the hearing. Councilwoman Brach-Williams seconded. The motion was carried.

RESOLUTION NO. 341

Supervisor Siller offered the following resolution, which seconded by Councilwoman Larsen, to wit:

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

WHEAREAS, the Plan of Incorporation of the Shelter Island Fire Department describes that it has provided and will continue to provide fire protection and emergency services to the Town of Shelter Island and the Village of Dering Harbor within their respective and complete jurisdictional territories; and

WHEREAS, the New York State Not For Profit Corporation Law requires that the Town of Shelter Island and the Village of Dering Harbor must each approve by resolution the Plan of the Shelter Island Fire Department to incorporate as a not-for-profit corporation after a public hearing.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday , September 19, 2023 at 6:00 pm. prevailing time, at the Town of Shelter Island Town Hall, located at 38 North Ferry Road, Shelter Island ,New York, to hear any and all persons either for or against the granting of the approval by resolution of the Board of Trustees of the Plan of the Shelter Island Fire Department to incorporate as the Shelter Island Fire Department Inc. , a Not for Profit Corporation pursuant to §404(f) of the New York State Not For Profit Corporation Law, said approval by resolution of the Town Board of the Town of Shelter Island to accompany and support the filing of the Shelter Island Fire Department Certificate of Incorporation to be presented for filing with the New York State Department of State said Certificate to be executed by Warren Baker, David Austin, Walter J. Cogan, Jr. and such other person(s) appointed by the Department; and

BE IT FURTHER RESOLVED, that the Shelter Island Fire Department and its duly authorized officers are hereby authorized and directed to publish the following Notice of Public Hearing, which shall be published for two successive weeks in accordance with the statutory procedures and at the expense of the Fire Department pursuant to the aforesaid statute.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday , September 19, 2023 at 6:00 p.m. prevailing time, at the Town Hall, , located at 38 North Ferry Road, Shelter Island ,New York, to hear any and all persons either for or against the granting of the approval by resolution of the Town Board of the Plan of the Shelter Island Fire Department to incorporate as a Not for Profit Corporation pursuant to §404(f) of the New York State Not For Profit Corporation Law, said approval and resolution to accompany and support the filing of the Shelter Island Fire Department Certificate of Incorporation to be presented for filing with the New York State Department of State, said Certificate to be executed by Warren Baker, David Austin, Walter J. Cogan, Jr. and such other person(s) appointed by the Department.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF SHELTER ISLAND, NEW YORK

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of the Supervisor and seconded by Councilwoman Larsen, the Special Meeting was closed at 3:29 p.m. The motion was carried.

Amber Wilson
Town Clerk

August 29, 2023

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 August, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately eight persons were also present

Salute to flag

Supervisor's Report

Correspondence included the following

1. A letter from The Shelter Island Association regarding the Comprehensive Plan.
2. A letter from Pam Demarest regarding Lead Agency for Comprehensive Plan.

RESOLUTION NO. 342

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

BE IT RESOLVED, that the Town of Shelter Island Town Board issues this Notice of Intent for the purpose of determining lead agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 (6NYRR Part 617), the Statewide implementing regulations pertaining to SEQRA for the SEQRA review of the Town of Shelter Island Comprehensive Plan Update. If no written objections are received, the Shelter Island Town Board will assume lead agency 30 days after the date of this notice. This notice has been prepared pursuant to Article 8 of the Environmental Conservation Law.

Project Title: Town of Shelter Island Comprehensive Plan Update

Project Location: Entire geographic area of the Town of Shelter Island, Suffolk County, NY

SEQRA Type: Type I

Project Description: Pursuant to the New York State Environmental Quality Review Act (SEQR), the proposed action discussed in the attached Full Environmental Assessment Form (EAF) – Part 1 is the adoption of a town-wide Comprehensive Plan Update for the Town of Shelter Island.

Shelter Island's Comprehensive Plan was formed through a community-led effort which began in 2020. The planning process involved a series of community workshops, forums, and studies, all of which contributed to the drafting of this document. The Comprehensive Plan provides community-established principles for the orderly and balanced future economic, social, physical, environmental, and fiscal development. In essence, it serves as a roadmap to help Shelter Island to become a more sustainable, equitable, and livable community.

The Vision in the Plan provides guiding principles that are inherent in and overlap across multiple chapters and helped to guide the specific goals and objectives within each chapter.

1. Exercise responsible stewardship for the natural and cultural resources which give the island its special character and significance. These cultural and natural resources that are enjoyed by all – fresh and salt waters, vistas, parks, and cultural institutions - should be considered when establishing goals and objectives. Of critical importance is our fragile aquifer.

2. Increase the resiliency of the island to climate change and sea level rise by implementing appropriate adaptation measures. By acknowledging that we are only accessible by water and at its mercy, we recognize the need to mitigate the negative effects of sea level rise through infrastructure improvements and conscientious changes made by homeowners living in sensitive coastal areas. These changes will require community-wide commitment and support.
3. Maintain a vibrant year-round island community that meets residents' economic and social needs. We recognize that growth and economic opportunities are necessary to sustain a year-round island community, but this should not come at the expense of our natural and cultural resources. This goal is only achievable by giving due consideration to year-round employment and attainable housing opportunities, high quality community services and a strong public-school system while maintaining low housing density in ecologically sensitive areas.
4. Motivate and enable upcoming generations to be part of Shelter Island's future (including its town governance) through education, economic development, housing efforts, and by encouraging early involvement in municipal operations, and the volunteer work of local boards, committees, and services. Shelter island's history and sense of community is strengthened by providing a future on the island to the children who have grown up, summered, or who have family roots here.

The document is divided into eleven topics and an appendix containing an Implementation Matrix. There is some duplication between chapters, done for clarity, but there should not be conflict between them. The Implementation Matrix is in effect, a "To Do" list of specific tasks, each with a responsible party and a proposed timeframe. This roadmap will make it easy for the Town to review and report on the progress of this Plan's action items.

Several important planning documents recently completed by the town have been included in the Comprehensive Plan as appendices. These documents include the Community Housing Plan (2023), the Ground and Surface Water Management Plan (2020), the Hazard Mitigation Plan (2020), and the Watershed Management Plan (2014).

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 343

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

BE IT RESOLVED, that the Town Board hereby ratifies an agreement with Carl Cosby.

Vote 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 344

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

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

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:02 p.m., prevailing time on the 19th day of September, 2023, in the Shelter Island Town Hall, 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. 345

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

WHEREAS, Christine Anderson, 2 South Menantic Road, has filed an application for an Outdoor Assembly Permit to hold a surprise birthday party at Crescent Beach on September 29, 2023, from 5:00 p.m.- 9:00 p.m., and

WHEREAS, the Superintendent of Highways made the following recommendation:
All garbage must be picked up in the area and taken away at end of the event, and

WHEREAS, all required fees have been submitted, now, therefore

BE IT RESOLVED, that said application is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 346

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that Laura Cunningham is hereby appointed to serve as a member on the Board of Ethics for a term to expire on September 1, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 347

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

BE IT RESOLVED, that Shelby Mundy is hereby appointed to serve as a member on the Board of Ethics for a term to expire on September 1, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 348

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

BE IT RESOLVED, that Deborah Grayson is hereby appointed to serve as a member on the Board of Ethics for a term to expire on September 1, 2026.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 349

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

BE IT RESOLVED, that Duff Wilson is hereby appointed to serve as Chairman on the Board of Ethics for a term to expire on September 1, 2027.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 350

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

BE IT RESOLVED, that Robert Raiber is hereby appointed to serve as a member on the Board of Ethics for a term to expire on September 1, 2028.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 351

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that Jeanne Woods is hereby appointed to serve as AAA Driver at a rate of \$23.49 per hour, retroactive to August 18, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon

RESOLUTION NO. 352

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$58,750.00 to the Southampton Hospital Foundation for the January 18, 2023- August 17, 2023, Paramedic First Responder Service, as per agreement.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 353

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the refund check from Quill in the amount of \$158.64 to the A1355.484 Assessors Office & Miscellaneous account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 354

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

BE IT RESOLVED, that the following budget modifications are hereby approved; \$350 increase to revenue code A4389 Federal Reimbursement Public Safety, and \$350 increase to A3120.100 Police Overtime to be funded by a reimbursement from the U.S. Treasury.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 355

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

BE IT RESOLVED, that the following budget transfers are hereby approved; \$1,000 from A1355.402 Assessors Summer Intern to A1355.484 Office and Miscellaneous, \$3,000 from A6776.143 Silver Circle Cook to A6777.145 AAA Drivers, \$74,787 from A1990.400 Contingent to A3120.100PS Police Personal Services, \$4,435 from A1990.400 Contingent to A3120.114 Police Holiday Pay, \$9,980 from A1990.400 Contingent to A1490.101 Public Works Personal Services, \$19,208 from A1990.400 Contingent to A8160.101 Landfill Personal Services, \$479 from A1990.400 Contingent to A8160.100L Landfill Longevity, \$932 from A1990.400 Contingent to A8160.120PS Hazmat Personal Services, \$11,532 from A1990.400 Contingent to DA5130.100 Mechanics Personal Services, \$8,635 from A1990.400 Contingent to DA5140.145 Brush & Weeds Personal Services, and \$250 from B8030.483 Communications to B8030.484 Office & Miscellaneous.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 356

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That 2023 general claims numbered 1428 through 1575 in the amount of \$133,724.11; 2023 Highway claims numbered 141 through 150 in the amount of \$3,652.03; Community Preservation Fund claim number 13 in the amount of \$2.20 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 6:21 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 “A LOCAL LAW amending Chapter 128, entitled “Waterways”, to update the “Anchor or Anchoring” definition.

The Town 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 closed this hearing and called to order the public hearing to be held as advertised on the proposed Local Law entitled “A LOCAL LAW amending Chapter 88, entitled “Low-Nitrogen Sanitary System Rebate Program”, to remove the ability to assign a rebate.

The Town 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 closed this hearing and called to order the public hearing to be held as advertised on the proposed Local Law entitled “A LOCAL LAW amending Chapter 116, entitled “Smoking”, to extend the smoking prohibition to all town beaches and parks.

The Town 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 closed this hearing and called to order the public hearing to be held as advertised on the purpose of utilizing Water Quality Improvement funds for the cost associated with the water testing sponsored by the Water Advisory Board.

The Town 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. After there was a question about what the costs were for, Councilwoman Larsen advised that it was only towards the water testing provided for the 167 residence who participated and not Fresh Pond or any other projects. There being no further comments, the Supervisor closed this hearing and called to order the public hearing to be held as advertised on the application of Robert Watt, 56 Ram Island Road for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.08421° north and longitude -72.322258° west.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: The applicant submitted the required boat information. The mooring is private, not riparian. WMAC approved the application.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor closed this hearing and called to order the public hearing to be held as advertised on the application of William Birch, 15 Little Ram Island Road, to remove and replace (3) existing 2-pile dolphins and install (2) new single mooring piles, and (4) new 2-pile dolphins.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: The existing dock is non-conforming. However, the homeowner implemented substantial conservation efforts in the past. WMAC approved this application pending the following requirements; move the pilings so they do not exceed the 50' width, move the moorings inshore and remove the bench area.

The Supervisor adjourned this hearing until the next Town Board meeting to be held on September 19th, 2023, and reconvened the hearing on Big Ram, LLC, c/o RHI Operations, LLC, 2 South Ram Island Drive, to construct a new 4' x 26' angled walkway leading to a 4' x 65' catwalk, construct a 3' wide pedestrian access stairs landward end of catwalk, install a new 3' x 14' aluminum ramp leading to a 6' x 25' float, supply and install (2) 10" tie-off piling and (3) 10" piling to secure float into place, remove debris located around existing staircase and plant native vegetation in any bare areas and existing staircase.

The Supervisor adjourned this hearing until the next Town Board meeting to be held on September 19th, 2023, pending the WMAC recommendation, and reconvened the hearing on the application of American Direct, LLC, c/o Richard Hogan, 2 Shorewood Court, to remove (2) existing mooring dolphins on west side of existing dock, remove 8,000 lb. cradle boat lift, install (2) 12' piling for new (4) point boat lift, construct and install a new 6' x 24' float, install 95' +/- of splash-board system off-shore end of existing main dock and "L" shape.

The Supervisor adjourned this hearing until the next Town Board meeting to be held on September 19th, 2023, pending WMAC recommendation.

At 6:37 p.m., the Supervisor reconvened the regular Town Board meeting.

RESOLUTION NO. 357

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

WHEREAS, a public hearing was held on Tuesday, August 29th, 2023, to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 128, entitled "Waterways", to update the "Anchor or Anchoring" definition, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 9 – 2023 of which provides as follows:

LOCAL LAW NO. 9 of 2023

A LOCAL LAW amending Chapter 116, entitled Chapter 128, entitled "Waterways", to update the "Anchor or Anchoring" definition

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

Section 1. Legislative Intent.

The Town Board has determined that the "Anchor and Anchoring" definition was outdated and did not account for new technology that allows the anchorage of boats without the necessity of an anchor. The expanded anchoring definition will ensure that anchoring prohibitions may be enforced against those who employ nontraditional methods of anchoring.

Section 2. Amendment.

Section 128-4 of the Shelter Island Code Chapter 128(Waterways), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§128-4. Definitions.

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

Anchor or Anchoring

The attachment of, or to attach, a boat or vessel to the ground or bottom by means of tackle so designed that, when such attachment is terminated, the tackle in its entirety is removed from the ground or bottom and taken under the control of the boat or vessel or by maintaining a constant position by use of any dynamic positioning system for more than 15 minutes.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130(17).

Section 4. Severability.

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

Section 5. Effective Date.

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to modernize the "Anchor or Anchoring" definition to incorporate new technologies in order to enforce existing anchoring prohibitions.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 358

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

WHEREAS, a public hearing held on Tuesday, August 29, 2023, to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 88, entitled “Low-Nitrogen Sanitary System Rebate Program”, to remove the ability to assign a rebate, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 10 – 2023, of which provides as follows:

LOCAL LAW NO. 10 of 2023

A LOCAL LAW amending Chapter 88, entitled “Low-Nitrogen Sanitary System Rebate Program”, to remove the ability to assign a rebate.

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

Section 1. Legislative Intent.

The Town Board has determined that the assignment of a rebate directly to a professional or installer, rather than the homeowner, creates an opportunity to inject the Town into a contractual dispute and as such an assignment should no longer be permitted.

Section 2. Amendment.

Section 88-2D of the Shelter Island Code Chapter 88(Low-Nitrogen Sanitary System Rebate Program), is hereby amended by deleting the stricken words as follows:

§88-2. Low-Nitrogen Sanitary System Upgrade Rebate Program.

~~D. At any time prior to the issuance of the rebate funds, the applicant may in writing, on the form provided, assign the proceeds of the rebate to any professional(s) or installer(s) to whom payment shall be made due to services rendered on the covered project.~~

~~[Added 7-19-2019 by L.L. No. 13-2019]~~

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130.

Section 4. Severability.

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

Section 5. Effective Date.

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to prevent the Town from being entangled in a homeowner versus contractor dispute by eliminating the possibility of IA rebate assignment

Vote: 5 in favor 0 opposed

The resolution was thereupon declared adopted.

RESOLUTION NO. 359

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

WHEREAS, a public hearing was held on Tuesday, August 29, 2023, to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 116, entitled “Smoking”, to extend the smoking prohibition to all town beaches and parks, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 10 – 2023, of which provides as follows:

LOCAL LAW NO. 11 of 2023

A LOCAL LAW amending Chapter 116, entitled “Smoking”, to extend the smoking prohibition to all town beaches and parks

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

Section 1. Legislative Intent.

The Town Board finds that residents, families, and guests should be able to enjoy all Town Properties, including all Town beaches and parks without being concerned about secondhand smoke, environmental degradation due to dropping cigarettes and wildfires.

Section 2. Amendment.

Section 116-3 of the Shelter Island Code Chapter 116(Tobacco, Cannabis and Public Smoking), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§116-3. Smoking prohibited on ~~certain~~ Town properties.

Smoking, to include burning or vaping of any material, including but not limited to tobacco, hemp and marijuana, shall be prohibited at all times ~~at the following locations:~~

C. ~~Crescent (Louie’s) Beach.~~

D. ~~Wade’s (Tuthill’s Beach).~~

at any property owned or operated by the Town of Shelter Island, including any beach or park as defined by §36-9 of the Town of Shelter Island Town Code.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130.

Section 4. Severability.

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

Section 5. Effective Date.

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

SUMMARY OF PROPOSED LAW

The purpose of this local law is to expand the initial prohibition on smoking, from only two town beaches, to all town owned or operated properties in order to protect the health, safety and welfare of town residents, families and guests from the harms of secondhand smoke, littering and wildfires.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 359

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

WHEREAS, the Town Board of the Town of Shelter Island called for a public hearing for the purpose of utilizing Water Quality Improvement funds of \$14,863.00 for the costs associated with the water testing sponsored by the Water Advisory Board, and

WHEREAS, the Water Quality Improvement Advisory Board considers the testing to represent appropriate stewardship and management of the WQI and recommends the funding be drawn from the WQI fund, and

WHEREAS, a public hearing was duly held on Tuesday, August 29th, 2023, for all persons to be heard in favor of or opposition to proposed use, now, therefore, and

BE IT RESOLVED, that \$14,863.00 will be utilized from the Water Quality Improvement funds for the water testing provided

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 360

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Robert Watt, 56 Ram Island Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.08421° north and longitude -72.32258° west, formerly occupied by the William Derrough C-2689 mooring, and

WHEREAS, a public hearing was duly held on the 29th day of August, 2023, 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.

At 6:36 p.m., the Supervisor opened the meeting to the public. There were questions regarding how many people registered for the water testing, the public comment process, and the release of the Comprehensive Plan draft.

On motion of the Supervisor and seconded by Councilman Colligan the Town Board meeting was closed at 6:47 p.m. The motion was carried.

Amber Wilson
Town Clerk

September 19, 2023

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 19th day of September, 2023 for budget purposes. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan, Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Clerk Amber Wilson, Town Attorney Stephen Kiely and approximately 8 persons were also present.

The Supervisor called the special meeting to order at 1:07 p.m.

Salute to flag.

The Town Clerk presented the proposed 2024 tentative budget to the Town Board members.

The Supervisor gave an overview of his proposed budget.

At 1:40 p.m., Supervisor Siller made a motion to recess the special meeting until 10:00 a.m. on September 20th, 2023. This motion was carried.

September 19, 2023

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 September, 2023. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately eighteen persons were also present

Salute to flag

RESOLUTION NO. 361

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

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

LOCAL LAW NO. _____ of 2023

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

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

Section 1. Legislative Intent.

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

Section 2. Amendment.

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

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

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

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

Section 4. Authority.

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

Section 5. Severability.

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

Section 6. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 362

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

WHEREAS, Todd Prager, 78 Peconic Avenue, has petitioned the Town of Shelter Island for permission to construct a 4' x 100' fixed dock, construct access stairway from bulkhead to dock and crossover stairs to beach to the east and west side of dock, install bench facing north west, install (2) 2 -pile dolphins and install 2 ladders, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:02 p.m., prevailing time on the 11th day of October, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to

the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 363

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

WHEREAS, 58 Tuthill Drive SI, LLC, 58 Tuthill Drive, has petitioned the Town of Shelter Island for permission to remove existing offshore platform, construct a new 4' x 70' catwalk leading to a 3' x 12' aluminum ramp onto a 8' x 24' float secured with two anchor piling, install new (2) 2-pile 10" mooring dolphins, construct 3' wide access stairs at landward end at beach, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:04 p.m., prevailing time on the 11th day of October, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 364

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

WHEREAS, 5 Burro Hall, LLC, 5 Burro Hall Lane, has petitioned the Town of Shelter Island for permission to perform minor repairs to existing dock by re-decking 36' of the inshore end with open grate decking and the remaining 86' of the offshore end with 5/4" x 6" purple heart decking, remove and dispose of existing 5' x 20' and 6' x 10' floats, construct a new 5' x 20' float and a new 6' x 10' float, in-kind, in-place, replace 3 anchor pilings securing the floating docks, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:06 p.m., prevailing time on the 11th day of October, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 365

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

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

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

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

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

RESOLVED, that the subject variance is hereby denied.

Vote: 4 in favor 0 opposed 1 abstain; Councilwoman Larsen

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 366

Councilwoman Larsen offered the following resolution, which was seconded by

Councilman Colligan, to wit:

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 367

Councilman Colligan offered the following resolution, which was seconded by Supervisor Siller, 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, Scott Campbell was appointed to serve as a member of the Deer and Tick Committee, and

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

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 368

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

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

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 369

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

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

2016 Ford Expedition

VIN#1FMJU1GT8GEF50361

Mileage: 134,708

BE IT RESOLVED, that said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 370

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, One Thirty Eight Productions, Kelly Jacobson, 37 Van Dyke Street, Brooklyn, NY 11231, has requested a filming permit for September 21 and 22, 2023, at 52 Peconic Avenue, and

WHEREAS, the filming crew consists of 40 people, 3 box trucks, 4 shuttle vans, 15 crew cars and potentially 1-2 motorhomes, and

WHEREAS said application has been reviewed by the Police Department and Highway Department, and

WHEREAS, the Police Department has advised that the majority of the vehicles should be parked on the location property (52 Peconic Avenue) especially large commercial type vehicles;

vehicles parked off location property(if any) on the public roadway should be parked on the shoulder of the road, in the direction of travel, and should not obstruct normal roadway usage; and the Police Department supports the use (for parking only) of the town landing at the intersection of Peconic Avenue and Brander Parkway to promote vehicular safety and reduce congestions; and the Highway Department advised that there must not be any obstructions on the road or walkways during the filming and all garbage must be picked up in the area, now, therefore

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

Major filming application fee	\$1,500.00
Daily filming fee x2	\$4,000.00
Rush fee	\$3,000.00
Clean up deposit	\$1,000.00

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 371

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

WHEREAS, the New York Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending February 28, 2023, in the amount of \$68.49, now, Therefore

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 372

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

WHEREAS, the New York Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending May 31, 2023, in the amount of \$200.00, now, Therefore

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 373

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

WHEREAS, the New York Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending August 31, 2023, in the amount of \$145.49, now, Therefore

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to transfer the sum of \$145.49 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 374

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 375

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 376

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 377

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

BE IT RESOLVED, That 2023 general claims numbered 1576 through 1707 in the amount of \$127,644.64; 2023 Highway claims numbered 151 through 167 in the amount of \$32,048.73; Community Preservation Fund claim numbers 14 through 16 in the amount of \$8,829.36 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:13 p.m., the Supervisor recessed the regular meeting and opened the public hearing on the request of the Shelter Island Fire Department for the approval of the Town Board of the plan of the Shelter Island Fire Department to incorporate as the Shelter Island Fire Department INC, a not-for-profit corporation.

The Town 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 this hearing closed at 6:15 p.m., and called to order the public hearing to be held as advertised on the application of Daniel and Mara Hochman, 80 Peconic Avenue, for permission to remove and replace, in-place (and up to 6" higher), approximately 114 linear feet of existing timber bulkhead and +/- 24' vinyl return in place of (and up to 6" higher than) existing 12' return and 12' wood retaining wall, and backfill with approximately 15 cubic yards of clean sandy fill to be trucked in from an approved source, remove and replace, in-kind/in-place existing 3' x 6' wood steps off bulkhead.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: Application was approved unanimously.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:17 p.m., and reconvened the public hearing on the application of Big Ram, LLC, 2 South Ram Island Road, dock application.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: The applicant submitted all requested documents from the WMAC. Vote is pending for review of submissions.

The Supervisor adjourned this public hearing and reconvened the public hearing on the application of American Direct, LLC, 2 Shorewood Court, dock application.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: The existing dock has a floating dock that was installed without the benefit of permit. Only one member approved the application; one member did not approve the application in the entirety; majority of the committee would agree to trade removal of the existing unused dolphin pilings for the installation of the new reinforcing splashboards; majority of the committee disapproved to legalize the existing float.

Jack Costello was present for the applicant and stated that the float is there for safety reasons, will only be in the water 5 months out of the year and tied down.

After a brief discussion, the Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:26 p.m.,

and reconvened the public hearing on the application of William Birch, 15 Little Ram Island Drive, dock application.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: Chairman Needham recused himself from the discussion; the existing dock is non-conforming; however, the homeowner implemented substantial conservation efforts in the past; request to move pilings so they don't exceed 50 feet; move mooring inshore and remove the bench area; WMAC approved the application with those recommendations followed.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed at 6:26 p.m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 378

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

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

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

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

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

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

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

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

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

Roll Call Vote:	Councilwoman Larsen	aye
	Councilman Colligan	aye
	Councilman Ianfolla	aye
	Supervisor Siller	aye
	Councilwoman Brach-Williams	abstain
		4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 379

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

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

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

BE IT RESOLVED, That pursuant to 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:

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. 380

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

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

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

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

Reasons supporting this determination: The proposed construction:

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

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

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

BE IT FURTHER RESOLVED, that the Permit is subject to the following Condition:

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:35 p.m., the Supervisor opened the meeting to the public for any comments or questions.

Jack Costello asked about a site visit regarding a pending dock application. There being no further comments, at 6:37 p.m. the Supervisor made a motion to adjourn. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson
Town Clerk

September 20, 2023

The recessed special meeting for budget purposes was reconvened on the 20th day of September, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Ann Larsen. Town Clerk Amber Wilson, Account Clerk Shelby Mundy and approximately four were also present.

The Supervisor called the special meeting to order at 10:00 a.m.

The Board discussed many of the proposed department budgets for 2024 such as Town Board, Justice Court, Supervisor, Tax Receiver, Assessors, Assessment Board of Review, Town Clerk, Town Attorney, Engineering Department, Green Options, Public Works, I.T Committee, Police Department, etc.

At 12:15 p.m., Supervisor Siller recessed this meeting until 10:00 a.m. on September 29, 2023. This motion was carried.

Town Clerk
Amber Wilson

September 21, 2023

The recessed special meeting for budget purposes was reconvened on the 21st day of September, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Ann Larsen. Town Clerk Amber Wilson, Account Clerk Shelby Mundy and approximately two were also present.

The Supervisor reconvened the special meeting at 10:00 a.m.

The Board discussed many of the proposed B fund department budgets for 2024 such as Committees Clerk, MTA Tax, B Contingent, Contractor License Review Board, Building Department, Fire Marshall, Fire Warden, Zoning Department, Zoning Board of Appeals, etc.

At 11:13 a.m., Supervisor Siller recessed this meeting until 10:00 a.m. on September 29, 2023 and called to order a special meeting to set public hearings. All Town Board members signed a waiver of notice.

RESOLUTION NO. 381

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

WHEREAS, in 2024 the Town of Shelter Island expects to receive approximately \$50,000.00 in Federal Community Development Block Grant Funds; these funds may be used and have been previously use for a variety of projects to be selected by local officials. Eligible activities include: Housing rehabilitation Public Services Public improvement and facilities Administration and Planning; now, therefore

BE IT RESOLVED, that Town residents are invited to attend this public hearing at 6:08 p.m., prevailing time on the 11th day of October 2023, in the Shelter Island Town Hall, Shelter Island, New York to express citizens' views on the local community development needs to be met with these funds.

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

At 11:16 a.m., the Supervisor made a motion to close the special meeting. Councilman Colligan seconded. The motion was carried.

Town Clerk
Amber Wilson

September 29, 2023

The recessed special meeting for budget purposes was reconvened on the 2^{9th} day of September, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were, Deputy Supervisor Amber Brach-Williams, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwoman Margaret Ann Larsen. Town Clerk Amber Wilson, Account Clerk Shelby Mundy and approximately two were also present. Supervisor Siller was absent.

The Deputy Supervisor reconvened the special meeting at 10:00 a.m.

The Board discussed many of the proposed budgets with the attending department heads and made adjustments.

At 1:05 p.m., the Deputy Supervisor made a motion to recess the special meeting until 1:00 p.m., on October 2nd, 2023. Councilwoman Larsen seconded. The motion was carried.

Town Clerk
Amber Wilson

October 2, 2023

The recessed special meeting for budget purposes was reconvened on the 2nd day of October, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were, were Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Ann Larsen. Town Clerk Amber Wilson, Account Clerk Shelby Mundy.

The Supervisor reconvened the special meeting at 1:00 p.m.

The Town Board discussed many of the proposed budgets with the attending department heads and made adjustments.

The Supervisor made a motion to reconvene the special meeting until 10:00 a.m., on October 3, 2023.

Town Clerk
Amber Wilson

October 3, 2023

The recessed special meeting for budget purposes was reconvened on the 3rd day of October, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were, were Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Ann Larsen. Town Clerk Amber Wilson, Account Clerk Shelby Mundy and one person was also present.

The Supervisor reconvened the special meeting at 10:00 a.m.

The Town Board discussed the EMS proposed budget and made adjustments.

The Supervisor made a motion to recess the special meeting until 11:00 a.m., on October 4th, 2023. Councilwoman Brach-Williams seconded. The motion was carried.

Town Clerk
Amber Wilson

October 3, 2023

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 October, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan, and Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Amber Wilson, and approximately four persons were also present. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 2:41 p.m.

RESOLUTION NO. 382

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

WHEREAS, on September 22, 2023, via letter, Comprehensive Plan Advisory Committee members Benjamin Dyett, Lily Hoffman, and Petra Schmidt, submitted their resignation therefrom, effective immediately;

WHEREAS, the Comprehensive Plan Advisory Committee currently consists of 10 members; WHEREAS, the Town Board has determined that since the Draft Comprehensive Plan is almost complete and the remaining members are diligently and capably pursuing that end, it is unnecessary to fill the subject vacancies; and now therefore be it

RESOLVED, that the Town Board accepts the resignations of Benjamin Dyett, Lily Hoffman, and Petra Schmidt from the Comprehensive Plan Advisory Committee; and be it further

RESOLVED, the Comprehensive Plan Advisory Committee shall now consist of 6 members until the Draft Plan is completed.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 383

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

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held 6:10 p.m. on the 31st day of October, 2023, for all interested persons to be heard in favor of or in opposition, to a proposed Local Law entitled "OVERRIDE OF THE TAX LEVY LIMIT", to wit: Be it enacted by the Town Board of the Town of Shelter Island, as follows:

SECTION 1. Legislative Intent It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shelter Island, County of Suffolk, pursuant to General Municipal Law §3-c, and to allow the Town of Shelter Island, County of Suffolk, to adopt a Town budget for (a) Town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2023 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 2023 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.

Supervisor Siller made a motion to close the special meeting. Councilman Colligan

seconded. The motion was carried.

Amber Wilson
Town Clerk

October 4, 2023

The recessed special meeting for budget purposes was reconvened on the 4th day of October, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were, were Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Ann Larsen. Town Clerk Amber Wilson, Account Clerk Shelby Mundy and three persons were also present.

The Supervisor reconvened the special meeting at 11:00 a.m.

The Town Board discussed the Shelter Island Historical Society and Capital Planning proposed budget.

The Supervisor made a motion to recess the special meeting until 11:00 a.m., on October 6th, 2023. Councilwoman Larsen seconded. The motion was carried.

Town Clerk
Amber Wilson

October 6, 2023

The recessed special meeting for budget purposes was reconvened on the 4th day of October, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were, were Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Ann Larsen. Account Clerk Shelby Mundy and three persons were also present. Town Clerk Amber Wilson was present via zoom.

The Supervisor recessed the special meeting at 11:00 a.m.

The Town Board discussed many of the proposed budgets.

The Supervisor recessed the special meeting until 10:00 a.m. on October 17th, 2023.

Town Clerk
Amber Wilson

October 11, 2023

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 October, 2023. Town Board members present were, Supervisor Gerard F. Siller, Councilman Barbara Jean Ianfolla and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately thirty-five persons were also present. Councilman James Colligan and Councilwoman Amber Brach-Williams were absent.

Salute to flag

Officer Andrew Graffagnino was sworn in as Detective of the Shelter Island Police Department.

RESOLUTION NO. 384

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, William Birch, 15 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to relocate mooring designated as C-2458 to a location designated as latitude 41.07797°North and longitude 72.30977°West, now, therefore,

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held at 6:02 p.m., prevailing time, on

the 31st day of October, 2022, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 385

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that Kate Davidson is hereby appointed to serve as Recreational FIT Aide on call as needed at a pay rate of \$17.85 per hour, effective November 3, 2023.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 386

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, the term of Howard Johansen as Co-Chairman of the Conservation Advisory Council expired on September 20, 2023, 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 reappointed to serve as Co- Chairman of the Conservation Advisory Council for a term to expire on September 20, 2025.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 387

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, Civil Service has reviewed and reclassified the Account Clerk position held by Shelby Mundy to Senior Account Clerk, a Non-Competitive promotion, now, therefore

BE IT RESOLVED, That the Town Board does hereby appoint Shelby Mundy to said position retroactive to September 26, 2023.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 388

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Civil Service has reviewed and reclassified the Office Assistant position, held by Amanda Gutiw to Senior Office Assistant, now, therefore

BE IT RESOLVED, that the Town Board does hereby appoint Amanda Gutiw to said position retroactive to September 27, 2023.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 389

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Shelter Island 5k Fall Run, Mary Ellen Adipietro, has requested permission to hold the 24th Shelter Island 5k Run/Walk on Shelter Island on Saturday October 21, 2023 at 9:00 a.m., with a setup date of October 20, 2023 from 3:00 p.m. – 4:00 p.m., and

WHEREAS, the required fees have been submitted, and

WHEREAS, said application has been referred to the Police Department and Highway Department for recommendations, and

WHEREAS, the Police Department is prepared to assist with the event as they have done in the past, and

WHEREAS, the Highway Department will coordinate any details with the racing committee, 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.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 390

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, Gabrielle Chamberlain, 4 Margaret's Drive, has requested permission to hold

a celebration at Crescent Beach, on October 14th, 2023 from 6:00 p.m. to 9:00 p.m., with approximately 30 attendees, and

WHEREAS, the required fees have been submitted, and
WHEREAS, said application has been referred to the Police Department and Highway Department for recommendations, and

WHEREAS, the Police Department has responded that there is no anticipated need for police serviced or any other special requirements, and

WHEREAS, the Highway Department has responded that there must not be and obstructions on the road during this event and all garbage must be picked up in the area, now, therefore

BE IT RESOLVED, that said request is hereby approved.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 391

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Northern Spy Productions, Naomi Lindberg, 74 Elmwood Road, South Salem, NY 10590, has requested a filming permit for October 17th – October 20th, 2023, at 5 Seagate Road, and

WHEREAS, the filming crew consists of 17 people, 5 crew cars, 1 pop up truck and 1 merchandise truck, 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 anticipated need for police serviced or any other special requirements, and

WHEREAS, the Highway Department has responded that there must not be and obstructions on the road during this event and all garbage must be picked up in the area, now, therefore

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

Minor filming application fee: \$500.00

Daily filming fee x 4: \$2,4000.00

Clean up deposit: \$1,000.00

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 392

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that a petty cash account is hereby established for Code Enforcement in the amount of \$300.00.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared adopted.

RESOLUTION NO. 393

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, Filming permit number 81 was issued on September 19, 2023 to One Thirty-Eight Productions for filming at 52 Peconic Avenue on September 21 and 22, 2023, and

WHEREAS, A filming clean up deposit of \$1,000.00 was paid for said filming, now, therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of \$1,000.00 to One-Thirty Eight Productions, 37 Van Dyke Street, Brooklyn, NY 11231.

Vote 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 394

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, the Department of Public Works has received a generous donation from The Beach House, LLC (“Sunset Beach”) in the amount of \$7,000 for the servicing of the Crescent Beach bathroom for the 2023 summer season, and

WHEREAS, receipt of these funds was unknown at budget time, now, therefore

BE IT RESOLVED, That the following 2023 budget revision is hereby approved:

\$7,000 increase to A2705H Miscellaneous Donations revenue account, to be funded by said donation, and \$7,000 increase to A1490.497 Parks and Beaches Bathroom Maintenance expense account.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 395

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$495.00 from the A3120.491 PD contracts account to Motorola Solutions, INC, for the annual software and hosting services.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 396

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$1,515.00 from the A8160.490 Landfill Haz Mat Training account to Miller Environmental Group for the Hazwopper Refresher Training.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 397

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$2,856.00 from the A1330.476 Tax Receiver Computer Software account to Edmunds GovTech for the Tax Collection Software Maintenance.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 398

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That 2023 general claims numbered 1708 through 1857 in the amount of \$171,482.05; 2023 Highway claims numbered 168 through 188 in the amount of \$15,259.43; Community Preservation Fund claim number 17 in the amount of \$19,136.98 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: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:14 p.m., the Supervisor recessed the regular meeting and opened the public hearing on the proposed Local Law entitled "A Local Law amending Chapter 8, entitled "Ethics, code of".

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

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed and called to order the public hearing to be held as advertised on the application of Todd Prager, 78 Peconic Avenue, for permission to construct a 4' x 100' fixed dock, construct access stairway from bulkhead to dock and crossover stairs to beach to the east and west side of dock, install bench facing north west, install (2) 2 -pile dolphins and install 2 ladders.

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

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. After a lengthy discussion, the Supervisor made a motion to close this public hearing subject to written comments for one week and called to order the public hearing to be held as advertised on the application of 58 Tuthill Drive, LLC, 58 Tuthill Drive, for permission to remove existing offshore platform, construct a new 4' x 70' catwalk leading to a 3' x 12' aluminum ramp onto a 8' x 24' float secured with two anchor piling, install new (2) 2-pile 10" mooring dolphins, construct 3' wide access stairs at landward end at beach.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC met about this in September and objected that the proposed dock encroaches into the setback by a vote of 2 for and 3 against the application.

However later upon reflection Chairman Needham changed his vote to deny because he believed that the dock could be constructed in such a way that no variance and no encroachment was necessary and it would not affect the use and enjoyment of it.

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. After a brief discussion, the Supervisor made a motion to close this public hearing subject to written comments for one week and called to order the public hearing to be held as advertised on the application of 5 Burro Hall, LLC, 5 Burro Hall Lane, for permission to perform minor repairs to existing dock by re-decking 36' of the inshore end with open grate decking and the remaining 86' of the offshore end with 5/4" x 6" purple heart decking, remove and dispose of existing 5' x 20' and 6' x 10' floats, construct a new 5' x 20' float and a new 6' x 10' float, in-kind, in-place, replace 3 anchor pilings securing the floating docks.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC met in September and voted 6 -0 to approve this application.

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed and called to order the public hearing to be held as advertised on the proposed use of the Federal Community Development Block Grant funds expected to be received in 2024.

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

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing close subject to written comment for one week and reconvened the hearing on Big Ram, LLC, c/o RHI Operations, LLC 2 South Ram Island Drive for permission to construct a new 4' x 26' angled walkway leading to a 4' x 65' catwalk, construct a 3' wide pedestrian access stairs landward end of catwalk, install a new 3' x 14' aluminum ramp leading to a 6' x 25' float, supply and install (2) 10" tie-off piling and (3) 10" piling to secure float into place, remove debris located around existing staircase and plant native vegetation in any bare areas around existing staircase.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC voted to approve the dock but not the proposed catwalk.

The Supervisor opened the hearing for all those to be heard in favor of or in opposition. After a lengthy discussion, the Supervisor declared this hearing closed subject to written comment for one week.

At 8:11 p.m., the Supervisor made a motion to reconvene the regular Town Board meeting.

RESOLUTION NO. 399

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Siller, to wit:

WHEREAS, a public hearing was duly held on the 11th day of October, 2023, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled "A LOCAL LAW amending Chapter 8, entitled "Ethics, Code of", to broaden the scope of circumstances when private employment may conflict with official duties, now, therefore

BE IT RESOLVED, That the Town Board does hereby adopt Local Law No. 12 - 2023 entitled "Ethics, Code of", to wit:

LOCAL LAW NO. 12 of 2023

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

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

Section 1. Legislative Intent.

Upon the recommendation of the Board of Ethics, the Town Board finds that it is in the best interests of the Town to ensure that all types of private employment, in whatever form, do not

substantially conflict with the carrying out of the official duties of Town Employees and Officers. Thus, the current list of circumstances, that are deemed conflicts, needs to be amended to clarify that it is not exhaustive thereby affording the Board of Ethics the necessary discretion to determine what may be.

Section 2. Amendment.

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

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

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

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

Section 4. Authority.

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

Section 5. Severability.

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

Section 6. Effective Date.

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

SUMMARY OF PROPOSED LAW

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

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 400

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, 5 Burro Hall, LLC, 5 Burro Hall Lane, has petitioned the Town of Shelter Island for permission to perform minor repairs to existing dock by re-decking 36' of the inshore end with open grate decking and the remaining 86' of the offshore end with 5/4" x 6" purple heart decking, remove and dispose of existing 5' x 20' and 6' x 10' floats, construct a new 5' x 20' float and a new 6' x 10' float, in-kind, in-place, replace 3 anchor piling, securing the floating docks, and

WHEREAS, a public hearing was duly held on October 11th, 2023 for all interested persons to be heard in favor of or in opposition, now, therefore be it

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

Reasons supporting this determination: The proposed construction:

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

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to

Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand (\$300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand (\$500,000.00) dollars covering operations of the contractor pursuant to said permit, and

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

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, at 8:16 p.m. the Supervisor made a motion to adjourn the meeting. Councilwoman Larsen seconded. The motion was carried.

October 17, 2023

The recessed special meeting for budget purposes was reconvened on the 17th day of October, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were, were Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, and Councilwomen Amber Brach-Williams and Margaret Ann Larsen. Account Clerk Shelby Mundy and two persons were also present. Town Clerk Amber Wilson was present via zoom.

The Supervisor reconvened the special meeting at 10:00 a.m.

The Town Board discussed many of the proposed budgets.

The Supervisor recessed the special meeting until 1:00 p.m. on October 20th, 2023.

Amber Wilson
Town Clerk

October 20, 2023

The recessed special meeting for budget purposes was reconvened on the 20th day of October, 2023, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were, Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Ann Larsen. Account Clerk Shelby Mundy and three person was present. Town Clerk Amber Wilson was present via zoom.

The Supervisor reconvened the special meeting at 10:00 a.m.

The Town Board discussed many of the proposed budgets, health insurance and revenues.

The Supervisor made a motion to close the hearing. Councilman Ianfolla seconded. This motion was carried.

Amber Wilson
Town Clerk

October 24, 2023

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 24th day of October, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan, Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Amber Wilson, and approximately five persons were also present. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 2:21 p.m.

RESOLUTION NO. 401

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

WHEREAS, a tentative budget for the fiscal year 2024 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 2024, now, Therefore

BE IT RESOLVED, That it is hereby adopted as the preliminary budget for the ensuing year, and the Town 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 8th day of November, 2023 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.

On motion of Supervisor Siller and seconded by Councilman Colligan, the special meeting was adjourned at 2:23 p.m. The motion was carried.

Amber Wilson
Town Clerk

October 31, 2023

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 October, 2023. Town Board members present were, Supervisor Gerard F. Siller, Councilmen James Colligan and Barbara Jean Ianfolla, Councilwoman Margaret Anne Larsen. Town Clerk Amber Wilson and approximately sixteen persons were also present. Town Attorney Stephen Kiely was present via zoom. Councilwoman Amber Brach-Williams was absent.

Salute to flag

Supervisors Financial Report

Correspondence included the following:

1. Letters from Kim Bonstrom and Pam Demarest regarding the dock application for Big Ram, LLC.

2. Letters from Daniel Hochman, Vanessa Schreiber, Bobbie DeCarlo Lane, Bennet & Read, Kim & Jon Reeves, Johnny Tran, Jennifer & Bob Feinstein, Al Loreto, Michael & Maia Ietta, Chase Hochman, and Karin Lissakers Mayer regarding the dock application for 78 Peconic Avenue.

RESOLUTION NO. 402

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

WHEREAS, 58 Tuthill Drive SI, LLC, c/o Brian Carroll, 58 Tuthill Drive, has petitioned the Town of Shelter Island for permission to remove existing off shore platform, elevate existing stone patio 16" with an 8" step on each side, construct a new 4'x64'-6" catwalk leading to a 3'x12' aluminum ramp onto a 8'x24' float secured with two anchor piling and install two 2-pile 10" mooring dolphins, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:00 p.m., prevailing time on the 29th day of November, 2023, in the Shelter Island Town Hall, 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. 403

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

WHEREAS, Big Ram, LLC, c/o RHI Operations, LLC, 2 S. Ram Island Drive, on June 26, 2023, petitioned the Town of Shelter Island for permission to construct a new 4' x 26' angled walkway leading to a 4' x 65' catwalk, construct a 3' wide pedestrian access stairs landward end of catwalk, install a new 3' x 14' aluminum ramp leading to a 6' x 25' float, supply and install 10" tie-off piling and (3) 10" piling to secure float into place, remove debris located around existing staircase and plant native vegetation in any bare areas around existing staircase and

WHEREAS, on October 2, 2023, the Shelter Island Waterways Management Advisory Council unanimously recommended approval of the application as submitted, except for the proposed 4' x 26' angled walkway and the Town Board considered same;

WHEREAS, a public hearing was duly held on August 8, September 19, and October 11, of 2023, for all interested persons to be heard in favor of or in opposition, now, therefore be it

RESOLVED, that pursuant to pursuant to NYCRR 617.5 (c) (2) this application is deemed a Type II action; be it further

RESOLVED, that the application for the subject dock is approved less the 4'x26' angled walkway, as per the plans dated May 3, 2023, prepared by Costello Marine Contracting Corp; be it further

RESOLVED, that the reasons supporting this determination are as follows: The proposed construction:

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

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

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

RESOLVED, that the dock permit is subject to the following conditions:

The subject dock shall not be used, in any capacity, by employees, nor guests, in connection with the operations conducted at the adjoining Rams Head Inn;

The subject dock shall be used exclusively as a private dock; and

That any easement which exists to the benefit of the owner of 2 S. Ram Island Drive, Shelter Island (S.C.T.M. # 700-10-1-7.2), for the use of the dock located at 108 Ram Island Drive, Shelter Island (700-10-1-7.9), shall be extinguished, upon proof satisfactory to the Town Attorney, before the subject dock permit will be issued.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 404

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, American Direct, c/o Richard Hogan, 2 Shorewood Court, on June 14, 2023, petitioned the Town of Shelter Island for permission remove four existing mooring pilings on west side of existing dock and install 6' x 24' existing float inside existing "L" tied in position, no additional piling, install 95'± of splashboard system off-shore end of existing main dock & "L", per revised plans submitted October 10, 2023; and

WHEREAS, a public hearing was duly held on August 8th, and September 19th, 2023 for all interested persons to be heard in favor of or in opposition, and

WHEREAS, on September 11, 2023 the Town of Shelter Island Waterways Management

Advisory Council recommended the disapproval of the subject application as presented and the Town Board took same under consideration; now, therefore be it

RESOLVED, that pursuant to pursuant to NYCRR 617.5 (c) (2) this application is deemed a Type II action; and be it further RESOLVED, that the application for the subject dock is approved, as per the plans dated October 10, 2023, prepared by Costello Marine Contracting Corp; be it further

RESOLVED, that the reasons supporting this determination are as follows: The proposed construction:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents;
6. will be safer to use for the owner if approved as presented, including the floating dock previously installed without the benefit of the permit; and be it further

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

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

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

1. If the subject dock is damaged, greater than 50%, by any natural event, it shall not be rebuilt.
2. If the subject dock is damaged as per condition above, all debris and remains of the dock shall be removed to prevent natural gradual dilapidation causing navigation hazard.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 405

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Todd Prager, 78 Peconic Avenue, on July 24, 2023, petitioned the Town of Shelter Island for permission to construct a 4' x 100' fixed dock, construct access stairway from bulkhead to dock and crossover stairs to beach to the east and west side of dock, install bench facing north west, install (2) 2 -pile dolphins and install 2 ladders, and

WHEREAS, a public hearing was duly held on October 11th, 2023 for all interested persons to be heard in favor of or in opposition; and

WHEREAS, on September 11, 2023, the Town of Shelter Island Waterways Management Advisory Council recommended the disapproval of the subject application and the Town Board took same under consideration; now, therefore be it

RESOLVED, that pursuant to pursuant to NYCRR 617.5 (c) (2) this application is deemed a Type II action; and be it further

RESOLVED, that the application for the subject dock is approved, as per the plans dated July 18, 2023, prepared by Costello Marine Contracting Corp; be it further

RESOLVED, that the reasons supporting this determination are as follows: The proposed construction:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents;
6. is in full conformity with the requirements of Chapter 53, entitled "Docks", including Section 53-11, entitled "Design and construction of private and commercial docks"; and be it further

RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the

Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand (\$300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand (\$500,000.00) dollars covering operations of the contractor pursuant to said permit; and be it further

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

BE IT FURTHER RESOLVED, that the Dock Permit is subject to the following Conditions:

1. If the subject dock is damaged, greater than 50%, by any natural event, it shall not be rebuilt;
2. If the subject dock is damaged as per condition above, all debris and remains of the dock shall be removed to prevent natural gradual dilapidation causing navigation hazard; and
3. Any boat docked at the subject dock shall be attached only on the SE side between the dock and dolphins; and
4. No boat larger than 30' shall be docked at the subject dock.

Vote: 3 in favor 1 opposed (Councilman Colligan)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 406

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

BE IT RESOLVED, that Coco Lee Thuman is hereby appointed as Administrative Assistant with a probationary period of 26 weeks, retroactive to July 1, 2023, to be paid as per 2023 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 407

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

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

WHEREAS, The Town Board has advertised for and interviewed applicants, now, therefore

BE IT RESOLVED, That Charity Robey is hereby appointed to serve as a member on the Green Options Committee for a term to expire on 10/31/2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 408

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the inter-municipal agreement between the Town of Shelter Island and Village of Dering Harbor for the provision of municipal services related to the waterways of Dering Harbor.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 409

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the terms of engagement of Jefferson Solutions, Inc., 14 Brittany Oaks, Clifton Park, New York 12065 for the provision of services concerning a GASB 75 actuarial valuation to calculate the Town's full OPEB liability and determine the annual required contributions and annual accrued liability.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 410

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

WHEREAS, a public hearing was duly held on the 11th day of October, 2023, on the proposed use of approximately \$50,000.00 in federal community block grant funds the Town of

Shelter Island expects to receive in 2024, 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 the use of said funds shall be designated as follows:

\$50,000.00 towards the potential \$500,000 cost to construct the ADA compliance at the Police Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 411

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

BE IT RESOLVED, that the following list of Planning Board fees is hereby effective immediately:

Application Type:	Application Fee:
Wetlands	\$1,000
Lot Line Modification:	\$1,200 6% Capital Improvement Engineering Review Deposit (if applicable)
Minor Subdivision: Sketch Plan Application:	\$145 + \$600/Lot \$725 SEQRA Review Fee
Final Application w/o Cap Improvement:	\$145 + \$600/Lot
Final Application w/Cap Improvement:	\$145 + \$600/Lot 6% Cap Improvement Engineering Review Fee
Major Subdivision: Sketch Plan Application:	\$145 + \$450/Lot
Preliminary Application:	\$145 + \$450/Lot \$725 SEQRA Review Fee 50% of 6% Cap Improvement
Engineer Review Deposit	
Final Application w/o Cap Improvement:	\$145 + \$450/Lot \$725 Site Inspection Fee
Final Application w/Cap Improvement:	\$145 + \$450/Lot Balance of 6% Cap Improvement Engineer Review Deposit
All Applications – Public Meeting re-notice Fee:	\$100
All application request for extension:	\$180 EACH (NO CHARGE FIRST ONE)

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 412

Supervisor Siller offered the following resolution, which was seconded by Councilman Ian-folla, to wit:

BE IT RESOLVED, that the following list of ZBA fees are hereby effective immediately:

Variances for mechanicals such as HVAC Units, generators and work under \$5,000: \$200

Variances for projects under \$20,000 : \$500

This fee shall cover up to two variance requests per application, but if the applicant requests further

variances there shall be an additional \$500 fee per additional requested variance.

Variances for projects over \$20,000: \$1,000
This fee shall cover up to two variance requests per application, but if the applicant requests further variances there shall be an additional \$1,000 fee per additional requested variance.

Special Permit: \$1,300
Applications for both a special permit and variances shall pay separate fee(s) for each, per above schedule.

Public Hearing re-notice fee (if caused by the applicant): \$100
Variance or special permit extension fee: 50% of original fee
Variances for work done without permit: Five times the fee pursuant to the above schedule

Re-hearing fee: 50% of original fee

Interpretation (Does not apply to Town Board and Building Department): \$800
Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 413

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit

BE IT RESOLVED, that the following dock application fees are hereby effective immediately:

Dock Application Fee: \$1,000.00
Additional Per Piling : \$100.00
Dock Repair Application \$500.00 (repairs under \$10,000.00)
Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 414

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

WHEREAS, Lucy Rose Singh, has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 48 Lake Drive, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$16,000 be awarded, now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$16,000.00 in eligible costs upon completion of the project and subject to the applicant's compliance with and completion of all terms and conditions of the conditional rebate agreement, and

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

Vote: 3 in favor 1 recusal (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 415

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

WHEREAS, Moises Cerdas, has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 3 Glynn Drive, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$12,000 be awarded, now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$12,000.00 in eligible costs upon completion of the project and subject to the applicant's compliance with and completion of all terms and conditions of the conditional rebate agreement, and

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

Vote: 3 in favor 1 recusal (Councilwoman Larsen)
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 416

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Kevin Shannon has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 19 Tarkettle Road, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$12,000 be awarded, now, Therefore
BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$12,000.00 in eligible costs upon completion of the project and subject to the applicant's compliance with and completion of all terms and conditions of the conditional rebate agreement, and

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

Vote: 3 in favor 1 recusal (Councilwoman Larsen)
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 417

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

WHEREAS, Nicole and Robert Waldbauer have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 6 Community Drive, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$12,000 be awarded, now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$12,000.00 in eligible costs upon completion of the project and subject to the applicant's compliance with and completion of all terms and conditions of the conditional rebate agreement, and

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

Vote: 3 in favor 1 recusal (Councilwoman Larsen)
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 418

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

WHEREAS, Dianne Wallace has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 8 Montclair Road, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$12,000 be awarded, now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$12,000.00 in eligible costs upon completion of the project and subject to the applicant's compliance with and completion of all terms and conditions of the conditional rebate agreement, and

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

Vote: 3 in favor 1 recusal (Councilwoman Larsen)
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 419

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Joanne and Brent Canada, have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 33 Westmoreland Drive, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$17,000.00 be awarded, now, therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$17,000.00 in eligible costs upon completion of the project and subject to the applicants compliance with and completion of all terms and conditions of the conditional rebate agreement, and
BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water

Quality Improvement Advisory board and the Building Department.

Vote: 3 in favor 1 recusal (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 420

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Michael and Elizabeth Galle, have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 29 Peconic Avenue, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$21,000.00 be awarded, now, therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$21,000.00 in eligible costs upon completion of the project and subject to the applicants compliance with and completion of all terms and conditions of the conditional rebate agreement, and

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

Vote: 3 in favor 1 recusal (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 421

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Filming permit number 82 was issued on October 12, 2023 to Northern Spy Productions for filming at 5 Seagate Road on October 17 – October 20, 2023, and

WHEREAS, A filming clean up deposit of \$1,000.00 was paid for said filming, now, therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of \$1,000.00 to Northern Spy Productions, 74 Elmwood Road, South Salem, NY 10590.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 422

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the sum of \$100.00 to Gabrielle Chamberlain for the Outdoor Assembly refundable compliance deposit.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 423

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the sum of \$100.00 to Kristian Clark, c/o White Oak Farm and Gardens for the Outdoor Assembly compliance deposit.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 424

Supervisor Siller offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that the Town adopts the following revenue recognition policy. The policy is updated to reflect a change in the revenue recognition policy for all revenues other than property taxes by changing the availability period from 60 days to 120 days. The revenue recognition policy for property taxes will remain at 60 days in accordance with Interpretation No. 5 of the Governmental Accounting Standards Board – Property Tax Revenue Recognition in Governmental Funds.

Town of Shelter Island Revenue Recognition Policy

Accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured such as current financial resources or economic resources. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The district-wide financial statements are presented using the economic resources focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded at the time the liabilities are incurred, regardless of when the related cash transaction takes place. Non-exchange transactions, in which the District gives or receives value without directly receiving or giving equal value in exchange, include real property taxes. On an accrual basis, revenue from real property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants is recognized in the fiscal year in which eligibility requirements have been satisfied. Receivables include amounts due from federal, state, and other governments, or entities for services provided by the Town. Receivables are recorded and revenues are recognized as earned or as specific program expenditures are incurred.

The governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (measurable and available to finance current operations). "Measurable" means the amount the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to pay liabilities of the current period. Property taxes are considered available if they are collected within 60 days after the year end. The Town considers all other revenues available if they are collected within 120 days after the year end.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 425

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

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

\$500 from A1420.492 Attorney Training, Conference, and Travel to A1420.484 Attorney Office & Miscellaneous;

\$6,000 from A1620.424 Buildings Fuel to A1620.408 Buildings Maintenance;

\$3,000 from A4560.408 Medical Center Maintenance to A1620.408 Buildings Maintenance;

\$5,000 from A6772.140 Nutrition Supervisor to A6772.143 Nutrition Cook;

\$10,000 from A6772.141 Nutrition Head Cook to A6772.143 Nutrition Cook;

\$4,000 from A6772.140 Nutrition Supervisor to A6772.144 Nutrition Part Time Clerk;

\$3,000 from A6776.141 Silver Circle Driver and \$2,000 from A6776.143 Silver Circle Cook to A6777.145 Senior Center AAA Drivers;

\$300 from A6777.147 Senior Center Part Time Clerk to A6777.146 Senior Center Overtime;

\$6,213 from A1990.400 Contingent to A7020.462 Fit Center;

\$2,263 from A7620.400 Adult Recreation Programs to A7150.100 Lifeguards;

\$200 from A8140.490 Community Housing Board Legal Services to A8140.495 Community Housing Board Advertising;

\$500 from B8012.498 ZBA Training to B8012.484 ZBA Office & Miscellaneous;

\$400 from B8020.490 Planning Board Training to B8020.484 Planning Board Office & Miscellaneous;

\$797.25 from A31020.272 PD New Car to A3120.484 PD Office & Misc.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 426

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

BE IT RESOLVED, that the following budget modification is hereby approved:

\$150 increase to A2705SR Senior Center Donations, and a \$150 increase to A6777.484 Senior Center Office & Miscellaneous.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 427

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$380.00 from the A3120.491 PD Contracts account to Vigilant Solutions, LLC for the WatchGuard annual subscription.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 428

Supervisor Siller offered the following resolution, which was seconded by Councilman Ian-folla, to wit:

BE IT RESOLVED, That 2023 general claims numbered 1858 through 1967 in the amount of \$88,963.16; 2023 highway claims numbered 189 through 200 in the amount of \$5,203.09; and 2023 community preservation claims numbered 18 through 19 in the amount of \$37,982.02 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 6:45 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 "Override Of The Tax Levy Limit".

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

The Supervisor opened the hearing for all of those to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed and called to order the public hearing to be held as advertised on the application of William Birch, 15 Little Ram Island Drive, for permission to relocate mooring designated as C-2458 to a location designated as latitude 41.07797°North and longitude -72.30977° West.

The Town Clerk read the public notice a advertise in the Shelter Island Reporter.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC approved this application with corrected coordinates of latitude 41.078005° north and longitude -72.308891° west.

The Supervisor opened the hearing for all of those to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing close and reconvened the regular meeting.

RESOLUTION NO. 429

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

WHEREAS, a public hearing was duly held on the 31st day of October, 2023, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled "Override of the Tax Levy limit",

BE IT RESOLVED, That the Town Board does hereby adopt Local Law No. 13 - 2023 entitled "Override of the Tax Levy limit", to wit:

LOCAL LAW NO. 13 of 2023

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 2024 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 2024 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 430

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

WHEREAS, William Birch, 15 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to relocate mooring designated as C-2458 to a location designated as latitude 41.07797°North and longitude -72.30977°West, and

WHEREAS, a public hearing was duly held on the 31st day of October, 2023, 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 at a location designated as latitude 41.078005° north and longitude -72.308891° west, per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor opened the meeting to the public. After a brief discussion regarding the Dock Town Code, the Supervisor made a motion to adjourn the Town Board meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson
Town Clerk

November 8, 2023

The public hearing to be held as advertised on the proposed 2023 Town budget was held in the Shelter Island Town Hall, Shelter Island, New York, on the 9th day of November, 2023 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. Town Board members present were Supervisor Gerard F. Siller, Councilmen James Colligan, Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams, Margaret Ann Larsen, Town Clerk Amber Wilson and approximately 5 persons were also present. Town Attorney Stephen Kiely was absent.

The Supervisor called to order the 2024 preliminary public hearing at 1:50 p.m.

The Supervisor opened the hearing to the public. There being no comments, the Supervisor made a motion to adjourn and called to order a special meeting. Councilman Colligan seconded. The motion was carried. All Town Board members signed a waiver of notice.

RESOLUTION NO. 431

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the donation funds received from the Shelter Island Ambulance Foundation, Inc., in the amount of \$75,000.00 to the Ambulance Equipment Capital Reserve Fund for the year 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor opened the meeting to the public. There being no comments, the Supervisor

made a motion to go into executive session. Councilman Colligan seconded. The motion was carried.

Amber Wilson
Town Clerk

November 14, 2023

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 14th day of November, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilman James T. Colligan, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately three persons were also present. Councilman Ianfolla was present via zoom. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 2:37 p.m.

RESOLUTION NO. 432

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

WHEREAS, pursuant to Section 108 of the Town Law, a public hearing was duly held on the 8th day of November, 2023, on the preliminary budget for 2024, 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 2024.

Vote 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor made a motion to adjourn the special meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson
Town Clerk

November 29, 2023

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 November, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan and Barbara Jean Ianfolla, Councilwomen Amber Brach-Williams and Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately 5 persons were also present.

Salute to Flag

RESOLUTION NO. 433

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, December 12, 2023, at 6:00 p.m. prevailing time, to hear any and all persons either for or against a local law entitled "A LOCAL LAW to extend the moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet by Six months" which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW entitled “A LOCAL LAW to extend the moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet by six-months” which provides as follows:

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

Section 1. Legislative Intent.

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

Section 2. Moratorium Extended Term.

- A. Local Law No. 5 of 2023 imposing a six (6) month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet is hereby extended for an additional six (6) month period of time through June 20, 2024.
- B. Except as otherwise amended herein, all of the provisions of Local Law No. 5 of 2023, shall be extended for an additional six (6) month period of time through June 20, 2024.

Section 6. Authority.

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

Section 7. Supersession.

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

Section 8. Severability.

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

Section 9. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 434

Councilman Colligan offered the following resolution, which was seconded by Supervisor

Siller, to wit:

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

LOCAL LAW NO. _____ of 2023

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

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

Section 1. Legislative Intent.

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

Section 2. Moratorium Imposed.

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

Section 3. Effect of Moratorium.

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

Section 4. Variance.

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

Section 5. Authority.

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

Section 6. Supersession.

To the extent that any provisions of this Local Law are construed as inconsistent with the provisions of New York State Town Law this Local Law is intended pursuant to New York State

Municipal Home Rule Law sections 10(1)(ii)(d)(3) and section 22 to supersede any said inconsistent authority.

Section 7. Severability.

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

Section 8. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

The purpose of this law is to temporarily suspend the acceptance and processing of new dock applications so as to ensure that such docks are designed in a way that they do not create any environmental harm, are located in suitable and safe locations, and do not negatively impact the

November 29, 2023 – continued

use and enjoyment of our waters by residents and their guests.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 435

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

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

LOCAL LAW NO. _____ of 2023

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

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

Section 1. Legislative Intent.

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

Section 2. Amendment.

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

§ 108-2. Definitions.

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

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

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

NYSDEC — The New York State Department of Environmental Conservation. PECK — One quarter of a bushel; two gallons.

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

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

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

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

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

Section 3. Amendment.

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

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

A.

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

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

A. No person shall take shellfish unless such person:

- (1) Is a resident or taxpayer 12 years or over;
- (2) Has obtained a permit as prescribed in this Section; and
- (3) Has obtained all necessary permits for such activities.

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

C. Types of permits; fees.

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

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

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

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

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

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

D. Application; information required; Shellfish Review Board.

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

(a) The applicant's name.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Form of permit; nontransferability; evidence of permit.

(1) Permits shall be on the form prescribed by the Town Clerk and contain the matters set forth in Subsection (D) above. The original application shall be filed in the Town Clerk's office and the permit shall be issued by the Shelter Island Town Clerk.

(2) Permits shall be nontransferable.

(3) Any person engaged in taking shellfish from Town lands under water shall locate his permit so that they shall be immediately available to any enforcing officer. Failure to do so shall be presumptive evidence that such person does not possess a shellfish permit.

(4) Every commercial permittee shall by April 30th submit an annual harvest report to the Shellfish Permit Review Board.

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

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

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

Section 4. Amendment.

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

§ 108-5. Regulations.

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

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

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

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

D. E. A person without a NYSDEC Digger's Permit with a recreational permit shall not may take any no more than a half bushel one peck of any type of shellfish from Town lands in any one calendar day, except such person may take no more than 100 hard clams daily, nor more than 24 whelks or conchs daily. except such person may take two pecks of scallops.

Section 5. Amendment.

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

§ 108-6. Regulations pertaining to specific shellfish.

A. Hard clams.

1. It shall be unlawful for any person or persons to take from Town lands any hard clams less than one inch in thickness at any time except for propagation purposes in Town lands, and this may only be done after a permit has been granted by the Town Board.
 2. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five bushels of hard clams from Town lands in any one calendar day.
- B. Soft clams and razor clams.
1. It shall be unlawful for any person or persons to take from Town lands any soft clams (so-called) less than two inches long or any razor clams less than four inches long, nor shall it be lawful for such clams to be possessed at any time. Any such clams shall be immediately returned to the lands at the place where taken.
 2. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five bushels of soft clams and razor clams from Town lands in any one calendar day.
- C. Crabs.
1. It shall be unlawful to take from Town lands any hard-shell blue-claw crabs less than five inches point to point or soft-shell crabs less than three inches point to point, and it shall be unlawful to take sponge (egg-bearing) crabs from Town lands at any time.
 2. The use of lights when taking crabs is permitted.
- D. Oysters.
1. It shall be unlawful for any person or persons to take any seed oysters from Town lands without permission of the Town Board after written request. Seed oysters are oysters less than three inches in length.
 2. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of one peck of oysters in the shell from Town lands in any one calendar day.
- E. Scallops.
1. Scallops may be taken from Town lands from the Monday a week after the DEC season opening date to the 31st day of March, inclusive, in each and every year. **[Amended 11-13-2015 by L.L. No. 11-2015]**
 2. It shall be unlawful for any person or persons to take from Town lands scallops which do not show the annual growth ring and have a 2 ¼ inch measurement from hinge to bill, nor shall it be lawful for such scallops to be possessed at any time. Any scallops not showing the annual growth ring taken from Town lands shall be immediately returned to the lands at the place where taken.
 3. A person with an ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five United States bushels of scallops in the shell from Town lands in any one calendar day. If there are two or more licensed persons with ~~Digger's Permits~~ Commercial Shellfish Permit in any one boat taking scallops, not more than 10 United States bushels of scallops in the shell shall be taken by any one boat during any one calendar day, regardless of the number of persons therein. **[Amended 11-13-2015 by L.L. No. 11-2015]**
- ~~F. Starfish and whelks. It shall be unlawful for any person to return any starfish or whelks to Town lands.~~ F. Conch and whelks. It shall be unlawful for any person to take from Town lands conchs or whelks that are less than 5 ½ inch in shell length or 2 ¼ inch shell height . Any conch or whelk not meeting said dimensional requirements shall be returned alive from the place taken.

Section 6. Amendment.

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

§ 108-9. Penalties for offenses.

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

Section 7. Authority.

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

Section 8. Severability.

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

Section 9. Effective Date.

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

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

SUMMARY OF PROPOSED LAW

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 436

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

BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held at 6:06 p.m., prevailing time, on the 12th day of December, 2023 in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed use of funds from the Water Quality Initiative to pay the 2023 annual dues to the Peconic Estuary Partnership in the amount of \$11,900.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 437

Councilman Ianfolla offered the following resolution, which was seconded nu Councilwoman Larsen, to wit:

WHEREAS, in connection with the New York State Senior Citizens Real Property Tax Exemption, pursuant to New York State Real Property Tax Law Section 467(3)(a)(iv)(1-3), after a public hearing, the Town Board may allow for the following:

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

RESOLVED, that the Town Board hereby calls for a public hearing to be held at 6:08 p.m., prevailing time, on the 12th day of December, 2023, in the Shelter Island Town Hall, Shelter Island, New York for all interested persons to be heard in favor of or in opposition to a proposed resolution to in connection with the New York State Senior Citizens Real Property Tax Exemption to allow for the following:

1. any social security benefits that were not included in the applicant's federal adjusted gross income are not to be considered income

2. distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income, are to be considered income

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 438

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

WHEREAS, 34 Shelter Island Associates, c/o Kenneth Tropin, 3 Sylvester Road, has petitioned the Town of Shelter Island for permission to remove and dispose of 115' of existing north bulkhead, construct a new 115' north bulkhead in-kind, in-place, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:10 p.m., prevailing time on the 12th day of December, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to

the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 439

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

WHEREAS, Shelter Waterfront Association, LLC, c/o Kenneth Tropin, 1C Sylvester Road, has petitioned the Town of Shelter Island for permission to remove existing 8,000 lb. boatlift, install new 8,000 lb. boatlift, in-kind, in-place, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:12 p.m., prevailing time on the 12th day of December, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 440

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

WHEREAS, Thomas Bliss, 32 Baldwin Road, has petitioned the Town of Shelter Island for permission to install a mooring in Menantic Creek at a location designated as latitude 41.05657 and longitude -72.34161, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 6:14 p.m., prevailing time, on the 12th day of December, 2023, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 441

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 442

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, 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, for the provision of financial accounting services for the Town for the period January 1, 2024 through December 31, 2024, for the sum of \$59,700.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 443

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

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

November 29, 2023 – continued

Software Services.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 444

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

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 445

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 446

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 447

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 448

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 449

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

BE IT RESOLVED, the following interfund transfers are approved in order to satisfy the repayment of the interfund loans before the close of the fiscal year end, as per the recommendation of the contract accountants, Cullen & Danowski;

\$1,411.32 from the Community Preservation Fund to the Highway DA Fund,
\$14,355.05 from the Highway DA Fund to the General Fund A,
\$20,250.07 from the Highway Equipment Capital Reserve to the Highway DA Fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 450

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

BE IT RESOLVED, that the following budget modification is hereby approved;
Increase to A2770D Police Auction revenue code by \$8,600.00 and an increase to A3120.272 Police New Car expenditure code by \$8,600. 00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 451

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 452

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the November 29, 2023 – continued

sum of \$10,500.00 from the A1410.200 Equipment account to Edmunds GovTech for the Town Clerk Software Services.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 453

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

BE IT RESOLVED, That 2023 general claims numbered 1968 through 2162 in the amount of \$156,667.73; 2023 highway claims numbered 201 through 217 in the amount of \$25,628.53; and 2023 community preservation claims numbered 20 through 23 in the amount of \$11,104.35 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:26 p.m., the Supervisor recessed the regular meeting and opened the public hearing to be held as advertised on the application of 58 Tuthill Drive, LLC, c/o Brian Carroll, 58 Tuthill Drive for permission to remove existing off shore platform, elevate existing stone patio 16" with an 8" step on each side, construct a new 4' x 64' -6" catwalk leading to a 3' x 12' aluminum ramp onto a 8' x 24' float secured with two anchor piling and install two 2-pile 10" mooring dolphins.

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

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: WMAC approved this location 6-0.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this hearing closed and reconvened the regular meeting.

RESOLUTION NO. 454

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

WHEREAS, 58 Tuthill Drive SI, LLC, c/o Brian Carroll, 58 Tuthill Drive, on October 23, 2023, petitioned the Town of Shelter Island for permission to remove existing off shore platform, elevate existing stone patio 16" with an 8" step on each side, construct a new 4' x 64' -6" catwalk leading to a 3' x 12' aluminum ramp onto a 8' x 24' float secured with two anchor piling and install two 2-pile 10" mooring dolphins, and

WHEREAS, a public hearing was duly held on November 29, 2023 for all interested persons to be heard in favor of or in opposition, now, therefore

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

Reasons supporting this determination: The proposed dock:

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

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

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, at 6:31 p.m. the Supervisor made a motion to adjourn the meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson
Town Clerk

December 12, 2023

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 12th day of December, 2023. Town Board members present were Deputy Supervisor Amber Brach-Williams, Councilmen James Colligan and Barbara Jean Ianfolla, Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately nine persons were also present Supervisor Gerard Siller was absent.

Salute to flag

Correspondence included the following:

1. A Letter from Mr. Stephen Jacobs regarding the proposed updated Community Preservation Project Plan.

RESOLUTION NO. 456

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

WHEREAS, pursuant to New York State Town Law Section 64-e the Town Board created the Community Preservation Fund (Chapter 50 of the Town Code) from which the Town may purchase certain properties to preserve community character;

WHEREAS, New York State Town Law Section 64-e(6) requires that the Town adopt a community preservation project plan (hereinafter referred to as "plan") and only properties listed therein may be acquired;

WHEREAS, said plan was adopted by the Town and last updated in 2014; and

WHEREAS, an updated plan has been submitted to the Town Board for adoption, and now therefore be it

RESOLVED, that a special meeting shall be held on the 28th day of December, 2023, at 1:00 p.m., 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 updated plan.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 457

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, the Town Board finds that an update to align with New York state law is warranted regarding nonunion employee overtime and compensatory time, including as to the manner in which it is paid; and now therefore be it

RESOLVED, that Town Code Chapter 18, Section 7, entitled "Overtime" shall be amended by deleting the stricken words and adding the underlined words as follows:

§ 18-7 Overtime and Compensatory Time.

A. Overtime shall be paid only for work performed in excess of forty (40) hours, at a rate of 1 ½ times the regular hourly wage, and shall be paid by being included in the regular payroll, or

B. Compensatory time off may be authorized on an hourly basis of 1 ½ hours per each hour worked over forty (40) hours.

~~A. Overtime shall be paid for work in excess of the regular workweek.~~

~~B. The employee shall be compensated for overtime as may be required as follows~~

~~(1)~~

~~If the employee's regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 times the regular hourly wage for over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or~~

~~(2)~~

~~Compensatory time off at the discretion of the personnel officer, if the employee's regular workweek consists of 30 hours per week, at the rate of one hour off for each hour of overtime worked for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 hours off for each hour of overtime worked in excess of the employee's regular workweek.~~

~~C.~~

~~Overtime shall be paid by being included in the regular payroll at a time designated by the employee, at the discretion of the employee.~~

~~D.~~

~~Overtime and/or compensatory time off for Deputy Town Clerk No. 1 shall be compensated according to the above regulations at a time designated by said employee, at the discretion of said employee.~~

BE IT FURTHER RESOLVED, that Town of Shelter Island Employee Handbook, Section 602, entitled "Overtime/Compensatory Time" shall be amended by deleting the stricken words and adding the underlined words as follows:

1. Overtime shall be paid only for work performed in excess of forty (40) hours, at a rate of 1 ½ times the regular hourly wage, and shall be paid by being included in the regular payroll, or

2. Compensatory time off may be authorized on an hourly basis of 1 ½ hours per each hour worked over forty (40) hours.

~~(1)~~

~~If the employee's regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 times the regular hourly wage for over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or~~

~~(2)~~

~~Compensatory time off at the discretion of the personnel officer, if the employee's regular workweek consists of 30 hours per week, at the rate of one hour off for each hour of overtime worked~~

~~for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 hours off for each hour of overtime worked in excess of the employee's regular workweek.~~

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 458

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

BE IT RESOLVED, by the Town Board of the Town of Shelter Island that the Low Nitrogen Sanitary System Rebates previously authorized on the listed dates to the following individuals in following amounts are adjusted per Town Board Resolution No. 316 on August 8, 2023 as follows:

Authorized	Name	Original Rebate	Updated rebate
11/13/2020	Melissa Elliot	\$8,000	\$16,000 (Well)
11/13/2020	Stephanie Franks	\$8,000	\$12,000
11/13/2020	Mary Fran Gleason	\$6,000	\$12,000
8/16/2022	Smith/Greenburg	\$8,000	\$16,000 (Well)
9/27/2022	Michael Derby	\$6,000	\$12,000
9/27/2022	Alec Sash	\$8,000	\$16,000 (Well)

Vote: 3 in favor 1 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 459

Councilman Colligan offered the following resolution, which was seconded by Deputy Supervisor Branch-Williams, 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 2024.

Vote 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 460

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, 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 2024 for the Police Department, Town Hall, Justice Hall and ambulance building.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 461

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Request for Proposals were received by the Town Clerk until 3 p.m. on the 3rd day of November, 2023 for the Shelter Island Ferry Flood Mitigation Study to conduct a feasibility analysis to examine factors which influence flooding and subsequently restrict service at the North Ferry Company and South Ferry Company landings, which were opened publicly and read as follows:

DiLandro Andrews Engineering: \$202,555.00
L.K. McLean Associates, P.C.: \$160,200.00, and

WHEREAS, the Town Engineer has reviewed and proposed said bid to the Town Board, now, Therefore

BE IT RESOLVED, that said bid is hereby awarded to L.K. McLean Associates, P.C.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 462

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

WHEREAS, there has been a vacancy in the Assessors' Office; and
WHEREAS, assistance is required to prepare the Assessment Roll among other duties; and
WHEREAS, the Town Board is seeking to hire a consultant to assist in the completion of said Assessment Roll and perform other ancillary functions; and
WHEREAS, James Richardson expressed interest in being such a consultant, now, therefore

BE IT RESOLVED, that James Richardson is hereby hired as an Assessment Aid Consultant for the hourly rate of \$30.00 per hour, not to exceed 35 hours per week, retroactive to December 8, 2023; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign any and all documents in connection therewith.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 463

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

BE IT RESOLVED, That William Geraghty is hereby appointed to serve as Chairman of the Waterways Management Advisory Council.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 464

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that Richard Dwyer is hereby appointed to serve as Senior Cook at the annual salary rate of \$46,900.00, effective December 27, 2023 for 32 hours per week with a probationary period of 26 weeks starting December 27, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 465

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that Emily Needham is hereby appointed to serve as provisional Senior Citizens Nutrition Senior Manager at the annual salary rate of \$56,800.00, effective December 20, 2023 for 35 hours per week with a probationary period of 26 weeks from December 20, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 466

Councilman Ianfolla offered the following resolution, which was seconded by Councilman Colligan, 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, 2023 in the amount of \$105.89, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of \$105.89 from the trust and agency account to the general account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 467

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

BE IT RESOLVED, That the following 2023 budget revisions are hereby approved: \$4,028.33 increase to the 2023 A2680 insurance recovery revenue account, to be funded by the reimbursement checks from NYMIR for Claim No. TSHI-2023-003-001 and TSHI-2023-006-001, and \$4,028.33 increase to the 2023 A3120.400 Police maintenance expense account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 468

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the following budget modifications are hereby approved: \$61,801.69 from the Highway Equipment Capital Reserve fund to DA9950.0 Highway Capital Equipment and Projects for the second payment on the 2023 Freightliner 108SD.; \$10,000 increase to A2130A C&D/Furniture In revenue code; and \$10,000 increase to A8160.451 Hauling C&D.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 469

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

BE IT RESOLVED, that the following budget transfers are hereby approved: \$4,585.00 from A3120.100PS to A3120.100OT, \$3,450.00 from A3120.482 PD Boat Gas-Oil to A3120.200 PD Equipment, \$50 from A1330.200 Tax Receiver Equipment to A1330.414 Tax Receiver Postage, \$2,500 from A1110.200 Justice Court Equipment to A1110.484 Justice Court Office & Miscellaneous, \$120 from A1010.484 Town Board Law Library to A1010.496 Association of Towns, \$500 from A1220.200 Supervisor Equipment to A1220.484 Supervisor Office & Miscellaneous, \$1,000 from A1110.496 Association of Towns to A1110.440 Justice Court Contracts, \$206 from A1420.492 Attorney Training, Conference, and Travel to A1420.484 Attorney Office & Miscellaneous, \$3,900 from A1490.414 Town Hall & Other Buildings to A1490.411 Buoys & Lifelines, \$4,100 from A1490.414 Town Hall & Other Buildings to A1490.419 Generator Maintenance, \$2,400 from A1490.414 Town Hall & Other Buildings to A1490.496 Electric Vehicle Charging Station, \$5,000 from A6772.140 Nutrition Supervisor to A6772.143 Nutrition Cook, \$750 from A6772.141 Nutrition Head Cook to A6772.144 Nutrition Part Time Clerk, \$837.83 from A6776.143 Silver Circle Cook to A6776.140 Silver Circle Aide, \$5,000 from A6777.147 Senior Center Part Time Clerk to A6772.484 Nutrition Rent & Supplies, \$250 from A6777.147 Senior Center Part Time Clerk to A6772.440 Nutrition Maintenance, \$3,000 from A6777.147 Senior Center Part Time Clerk to A6777.408 Senior Center Maintenance, \$250 from A8140.480 Community Housing Consulting to A8140.400 Community Housing Office & Miscellaneous, \$5,294 from A8160.120PS Landfill Personnel Services to A8160.129 Landfill Double Overtime, \$3,700 from A8160.434 Hazardous Waste Carting Fee to A8160.484 Landfill Office & Miscellaneous, \$3,200 from DA5130.491 Refurbish Equipment to DA5130.482 Grinder Maintenance & Parts, \$1,100 from DA5130.491 Refurbish Equipment to DA5130.447 Oils, Fluids, and Grease, \$5,200 from DA5130.491 Refurbish Equipment to DA5140.168 Brush & Weeds Double Overtime, and \$670 from DA5130.491 Refurbish Equipment to DA5140.100L Brush & Weeds Longevity.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 470

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$2,720.00 from the A1330.476 Receiver of Taxes Computer Software Account to Edmunds GovTech, Inc. for the annual Tax collection software fee.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

December 12, 2023 – continued

RESOLUTION NO. 471

Councilman Colligan offered the following resolution, which was seconded by Deputy

Supervisor Brach-Williams, to wit:

BE IT RESOLVED, That 2023 general claims numbered 2163 through 2260 in the amount of \$86,121.44; 2023 Highway claims numbered 218 through 233 in the amount of \$66,267.11; Community Preservation Fund claims numbered 24 through 26 in the amount of \$14,990.72 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:17 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the proposed Local Law entitled “A Local Law to extend the moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet by six months”

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

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. After a brief discussion, the Town Board advised the public that the moratorium will be amended to three months as per recommendation of the Suffolk County Planning Commission. There being no further comments, the Deputy Supervisor declared this public hearing close and called to order the public hearing to be held as advertised on the proposed Local Law entitled “A Local Law to impose a six-month moratorium on the processing and approval of dock permits by the Town Board”.

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

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. After a brief discussion regarding the proposed Dock code revisions, Deputy Supervisor made a motion to adjourned this hearing until the Town Board receives recommendations from the Suffolk County Planning Commission. Councilman Colligan seconded. The motion was carried. There being no further comments the Deputy Supervisor called to order the public hearing to be held as advertised on the proposed Local Law entitled “ A Local Law amending Chapter 108, entitled “Shellfish”, to create a commercial shellfish permit, remove the prohibition on returning starfish and whelks, create a Shellfish Permit Review Board and to increase penalties”.

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

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. A question was asked regarding commercial shellfish license verses resident shellfish permit. There being no further comments, the Deputy Supervisor declared this public hearing closed and called to order the public hearing to be held as advertised on the proposed use of fund from the Water Quality Initiative to pay the 2023 annual dues to the Peconic Estuary Partnership in the amount of \$11,900.00.

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

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, Deputy Supervisor declared this hearing closed and called to order the public hearing to be held as advertised on the proposed resolution in connection with the New York State Senior Citizens Real Property Tax Exemption.

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

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, Deputy Supervisor declared the public hearing closed and called to order the public hearing to be held as advertised on the application of 34 Shelter Island Associates, c/o Kenneth Tropin, 3 Sylvester Road, for permission to remove and dispose of 115’ of existing north bulkhead, construct a new 115’ north bulkhead, in-kind, in-place.

December 12, 2023 – continued

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

The Deputy Supervisor called for the report from the Waterways Management Advisory Council, which was as follows: the wmac met on December 4, 2023 with a vote of 6-0 to approve.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, Deputy Supervisor declared this hearing closed and called to order the public hearing to be held as advertised on the application of Shelter Waterfront Association, LLC, c/o Kenneth Tropin, 1C Sylvester Road, to remove existing 8,000 lb. boatlift, install new 8,000 lb. boatlift, in-kind, in-place.

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

The Deputy Supervisor called for the report from the Waterways Management Advisory Council, which was as follows: the wmac met on December 4, 2023 with a vote of 6-0 to approve.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, Deputy Supervisor declared this hearing closed and called to order the public hearing to be held as advertised on the application of Thomas Bliss, 32 Baldwin Road, to install a mooring at a location designated as latitude 41.05657° north and -72.34161.

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

The Deputy Supervisor called for the report from the Waterways Management Advisory Council, which was as follows: wmac met on November 6, vote of 6-0 to approved.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, Deputy Supervisor declared this hearing closed and reconvened the regular Town Board meeting.

RESOLUTION NO. 471

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

WHEREAS, a public hearing was duly held on the 12th day of December, 2023, for all interested persons to be heard in favor of or in opposition to a proposed a local law entitled “A LOCAL LAW to extend the moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet by Six months” which provides as follows:

LOCAL LAW NO. 14 of 2023

A LOCAL LAW entitled “A LOCAL LAW to extend the moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet by Six months” which provides as follows:

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

Section 1. Legislative Intent.

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

Section 2. Moratorium Extended Term.

- C. Local Law No. 5 of 2023 imposing a six (6) month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-

family dwellings and accessory structures with a square foot living area of greater than 5,999 square feet is hereby extended for an additional six (6) month period of time through June 20, 2024.

- D. Except as otherwise amended herein, all of the provisions of Local Law No. 5 of 2023, shall be extended for an additional six (6) month period of time through June 20, 2024.

Section 6. Authority.

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

Section 7. Supersession.

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

Section 8. Severability.

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

Section 9. Effective Date.

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

SUMMARY OF PROPOSED LAW

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 472

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, a public hearing was duly held on the 12th day of December, 2023, for all interested persons to be heard in favor of or in opposition to a proposed a local law entitled “A LOCAL LAW amending Chapter 108, entitled “Shellfish”, to create a commercial shellfish permit, remove the prohibition on returning starfish and whelks, create a Shellfish Permit Review Board and to increase penalties” of which provides as follows:

LOCAL LAW NO. 15 of 2023

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

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

Section 1. Legislative Intent.

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

Section 2. Amendment.

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

§ 108-2. Definitions.

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

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

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

NYSDEC — The New York State Department of Environmental Conservation. PECK — One quarter of a bushel; two gallons.

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

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

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

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

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

Section 3. Amendment.

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

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

~~B.~~

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

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

B. No person shall take shellfish unless such person:

- (1) Is a resident or taxpayer 12 years or over;
- (2) Has obtained a permit as prescribed in this Section; and
- (3) Has obtained all necessary permits for such activities.

C. Notwithstanding the above, a child or guest of any permittee may take shellfish without a permit, provided that he or she is accompanied by the permittee for all purposes hereunder, and the child or guest and permittee together shall be deemed one permittee for the purposes of this chapter.

D. Types of permits; fees.

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

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

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

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

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

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

E. Application; information required; Shellfish Review Board.

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

(a) The applicant's name.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a registered voter in any jurisdiction and that he or she is a resident of the Town of Shelter Island; and

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

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

F. Form of permit; nontransferability; evidence of permit.

(1) Permits shall be on the form prescribed by the Town Clerk and contain the matters set forth in Subsection (D) above. The original application shall be filed in the Town Clerk's office and the permit shall be issued by the Shelter Island Town Clerk.

(2) Permits shall be nontransferable.

(3) Any person engaged in taking shellfish from Town lands under water shall locate his permit so that they shall be immediately available to any enforcing officer. Failure to do so shall be presumptive evidence that such person does not possess a shellfish permit.

(4) Every commercial permittee shall by April 30th submit an annual harvest report to the Shellfish Permit Review Board.

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

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

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

Section 4. Amendment.

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

§ 108-5. Regulations.

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

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

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

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

D. E. A person without a NYSDEC Digger's Permit with a recreational permit shall not may take any no more than a half bushel one peck of any type of shellfish from Town lands in any one calendar day, except such person may take no more than 100 hard clams daily, nor more than 24 whelks or conchs daily. except such person may take two pecks of scallops.

Section 5. Amendment.

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

§ 108-6. Regulations pertaining to specific shellfish.

B. Hard clams.

2. It shall be unlawful for any person or persons to take from Town lands any hard clams less than one inch in thickness at any time except for propagation purposes in Town lands, and this may only be done after a permit has been granted by the Town Board.

3. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five bushels of hard clams from Town lands in any one calendar day.

B. Soft clams and razor clams.

2. It shall be unlawful for any person or persons to take from Town lands any soft clams (so-called) less than two inches long or any razor clams less than four inches long, nor shall it be lawful for such clams to be possessed at any time. Any such clams shall be immediately returned to the lands at the place where taken.

3. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five bushels of soft clams and razor clams from Town lands in any one calendar day.

C. Crabs.

2. It shall be unlawful to take from Town lands any hard-shell blue-claw crabs less than five inches point to point or soft-shell crabs less than three inches point to point, and it shall be unlawful to take sponge (egg-bearing) crabs from Town lands at any time.

3. The use of lights when taking crabs is permitted.

D. Oysters.

2. It shall be unlawful for any person or persons to take any seed oysters from Town lands without permission of the Town Board after written request. Seed oysters are oysters less than three inches in length.

3. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of one peck of oysters in the shell from Town lands in any one calendar day.

E. Scallops.

2. Scallops may be taken from Town lands from the Monday a week after the DEC season opening date to the 31st day of March, inclusive, in each and every year. [Amended 11-13-2015 by L.L. No. 11-2015]

3. It shall be unlawful for any person or persons to take from Town lands scallops which do not show the annual growth ring and have a 2 ¼ inch measurement from hinge to bill, nor shall it be lawful for such scallops to be possessed at any time. Any scallops not showing the annual growth ring taken from Town lands shall be immediately returned to the lands at the place where taken.

4. A person with an ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five United States bushels of scallops in the shell from Town lands in any one calendar day. If there are two or more licensed persons with ~~Digger's Permits~~ Commercial Shellfish Permit in any one boat taking scallops, not more than 10 United States bushels of scallops in the shell shall be taken by any one boat during any one calendar day, regardless of the number of persons therein. [Amended 11-13-2015 by L.L. No. 11-2015]

~~F. Starfish and whelks. It shall be unlawful for any person to return any starfish or whelks to Town lands.~~ F. Conch and whelks. It shall be unlawful for any person to take from Town lands conchs or whelks that are less than 5 ½ inch in shell length or 2 ¼ inch shell height . Any conch or whelk not meeting said dimensional requirements shall be returned alive from the place taken.

Section 6. Amendment.

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

§ 108-9. Penalties for offenses.

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

Section 7. Authority.

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

Section 8. Severability.

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

Section 9. Effective Date.

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

SUMMARY OF PROPOSED LAW

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 473

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, a public hearing was duly held on the 12th day of December, 2023 for all interested persons to be heard in favor of or in opposition to a proposed use of funds from the Water Quality Initiative to pay the 2023 annual dues to the Peconic Estuary Partnership in the amount of \$11,900.00, now, therefore

BE IT RESOLVED, the Supervisor is hereby authorized to expend the amount of \$11,900 from the Water Quality Initiative funds from the Community Preservation Funds account for the payment of the annual dues to the Peconic Estuary Partnership.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 474

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

WHEREAS, a public hearing was duly held on the 12th day of December, 2023 for all interested persons to be heard in favor of or in opposition to a proposed resolution in connection with the New York State Senior Citizens Real Property Tax Exemption to allow for the following:

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

BE IT RESOLVED, that the Town Board does hereby approve said resolution.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 475

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

WHEREAS, 34 Shelter Associates, LLC, c/o Ken Tropin, 3 Sylvester Road, on November 20, 2023, petitioned the Town of Shelter Island for permission to remove and dispose of 115' of existing north bulkhead, construct a new 115' north bulkhead in-kind, in-place, and

WHEREAS, a public hearing was duly held on December 12, 2023 for all interested persons to be heard in favor of or in opposition, now, therefore

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

Reasons supporting this determination: The proposed construction:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;

4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

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

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 476

Deputy Supervisor Brach-Williams offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Shelter Waterfront Associates, LLC, c/o Ken Tropin, 1C Sylvester Road, on November 20, 2023, petitioned the Town of Shelter Island for permission to remove existing 8,000 lb. boatlift, install new 8,000 lb. boatlift, in-kind, in-place

WHEREAS, a public hearing was duly held on December 12, 2023 for all interested persons to be heard in favor of or in opposition, now, therefore

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

Reasons supporting this determination: The proposed construction:

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

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

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 477

Councilwoman Larsen offered the following resolution, which was seconded by Councilman Ianfolla, to wit:

WHEREAS, Thomas Bliss, 32 Baldwin Road, has petitioned the Town of Shelter Island for permission to install a mooring at location designated as 41.05657° North and -72.34161° West formally occupied by the George Strom W-1749 mooring, and

WHEREAS, a public hearing was duly held on the 12th day of December, 2023, for all interested persons to be heard in favor of or in opposition, now, Therefore

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:53 p.m., the Deputy Supervisor opened the meeting to the public. There being no further comments, Deputy Supervisor made a motion to adjourn. Councilwoman Larsen seconded. The motion was carried.

December 28, 2023

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 December, 2023. Town Board members present were: Supervisor Gerard F. Siller, Councilmen James T. Colligan and Barbara J. Ianfolla, Councilwomen Amber Brach-Williams and Margaret A. Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately fourteen persons were also present. All Town Board members signed a waiver of notice.

Supervisor to call meeting at 1:00 p.m.

Salute to Flag

Correspondence included the following:

1. A letter from Stephen Jacobs and the Shelter Island Association regarding the proposed update of the Community Preservation Project Plan.

RESOLUTION NO. 478

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

WHEREAS, the Town of Shelter Island has received a donation from Greg James in support of the Deer & Tick Committee in the amount of \$2,500.00, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit said funds to the A3510.498 ACO deer reduction management account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 479

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

BE IT RESOLVED, that Resolution No. 462 – 2023 is hereby amended to read as follows:

BE IT RESOLVED, that Richard Dwyer is hereby appointed to serve as Senior Cook at the annual salary rate of \$46,900.00, effective December 27, 2023 for 30 hours per week with a probationary period of 26 weeks starting December 27, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 480

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

BE IT RESOLVED, that Resolution No. 455 – 2023 is hereby amended to read as follows:

WHEREAS, the Town Board finds that an update to align with New York state law is warranted regarding nonunion employee overtime and compensatory time, including as to the manner in which it is paid; and now therefore be it

RESOLVED, effective January 1, 2024, Town Code Chapter 18, Section 7, entitled “Overtime” shall be amended by deleting the stricken words and adding the underlined words as follows:

§ 18-7Overtime and Compensatory Time.

Overtime shall be paid only for work performed in excess of forty (40) hours, at a rate of 1 ½ times the regular hourly wage, and shall be paid by being included in the regular payroll, or Compensatory time off may be authorized on an hourly basis of 1 ½ hours per each hour worked over forty (40) hours.

~~Overtime shall be paid for work in excess of the regular workweek.~~

December 28, 2023 – continued

~~The employee shall be compensated for overtime as may be required as follows~~

~~(1)~~

~~If the employee's regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 times the regular hourly wage for over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or~~

~~(2)~~

~~Compensatory time off at the discretion of the personnel officer, if the employee's regular workweek consists of 30 hours per week, at the rate of one hour off for each hour of overtime worked for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 hours off for each hour of overtime worked in excess of the employee's regular workweek.~~

~~C.~~

~~Overtime shall be paid by being included in the regular payroll at a time designated by the employee, at the discretion of the employee.~~

~~D.~~

~~Overtime and/or compensatory time off for Deputy Town Clerk No. 1 shall be compensated according to the above regulations at a time designated by said employee, at the discretion of said employee.~~

BE IT FURTHER RESOLVED, that Town of Shelter Island Employee Handbook, Section 602, entitled “Overtime/Compensatory Time” shall be amended by deleting the stricken words and adding the underlined words as follows:

Overtime shall be paid only for work performed in excess of forty (40) hours, at a rate of 1 ½ times the regular hourly wage, and shall be paid by being included in the regular payroll, or

Compensatory time off may be authorized on an hourly basis of 1 ½ hours per each hour worked over forty (40) hours.

(1)

If the employee's regular workweek consists of 30 hours per week, at the rate of straight time for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 times the regular hourly wage for over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 times the regular hourly wage for any hours worked in excess of the employee's regular workweek; or

(2)

~~Compensatory time off at the discretion of the personnel officer, if the employee's regular workweek consists of 30 hours per week, at the rate of one hour off for each hour of overtime worked for the first five hours of overtime, i.e., 30 to 35 hours per week, and 1 1/2 hours off for each hour of overtime over 35 hours per week; if the employee's regular workweek consists of 35 to 40 hours per week, at the rate of 1 1/2 hours off for each hour of overtime worked in excess of the employee's regular workweek.~~

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 481

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$7,672.69 from the 2024 A3120.491 PD Contracts account to Lexipol for the contract term of January 1, 2024 to December 31, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 482

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$750.00 from A1220.491 Supervisor Service Contracts account to Records Consultants, INC, for the contract term of September 24, 2023 to September 23, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 483

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$3,987.00 from the A8160.484 Landfill Office & Misc. account to Creative Information System for the contract term of January 1, 2024 to December 31, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 484

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$890.04 from A5010.400 Superintendent of Highways Office & Misc. account to VelocityEHS for the contract term of January 25, 2024 to January 24, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 485

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$1,590.72 from the 2024 A3989.400 NIMS contractual account for the contract term of January 8, 2024 to January 8, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 486

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

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

\$5,312.34 from A3120.100PS to A3120.100OT;

\$32,639.00 from A3120.486PD Car Gas & Oil to A3120.400PD Maintenance;

\$2,016.00 from A3510.484ACO Office & Misc. to A3120.484PD Office & Misc.;

\$1,275.00 from A3120.457PD Towing to A3120.483PD Telephone;

\$454.00 from A3510.408ACO Signs to A3120.483PD Telephone;
\$39.00 from A3510.408ACO Signs to A3120.484PD Office & Misc.;
\$55.00 from A3510.495ACO Print-Advertise to A3120.484PD Office & Misc.;
\$681.00 from A3510.495ACO Print-Advertise to A3120.200PD Equipment;
\$298.00 from A3510.431ACO Veterinarian to A3120.483PD Telephone;
\$4,000 from A6777.147 Senior Center Part Time Clerk to A6772.400 Nutrition Food; and
\$3,171.30 from A6776.422 Silver Circle Meals & Snacks to A6772.400 Nutrition Food.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

December 28, 2023 – continued

RESOLUTION NO. 487

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, That the following transfer of \$3,291,473.45 from the Community Preservation Fund account to the Water Quality Improvement account, which represents the net accumulated funds since the inception of the water quality improvement sub-fund of the Community Preservation Fund, is hereby approved.

BE IT FURTHER RESOLVED, per Resolution NO. 97 – 2023, the Town resolved to open a new bank account for these funds. The opening of the account was to improve the tracking and recording of receipts and disbursements related to water quality improvement projects.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 488

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

BE IT RESOLVED, that the following budget modification is hereby approved:
\$525 increase to A1972A Silver Circle Revenue and a \$525 increase to A6772.400 Nutrition Food.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 489

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

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

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

BE IT RESOLVED, That funds allotted to the WQIAB in the year 2023 from the 2022 CPF revenue be carried over in perpetuity unless returned to the CPF by resolution of the Town Board, and

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

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 490

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

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

WHEREAS, the contract accountants have recommended that said checks be cancelled and voided, now, Therefore,

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to cancel certain checks and credit the following:

General fund checks numbered 48622 \$65.00, 48624 \$65.00, 48321 \$331.59, 49303 \$228.07, 49730 \$125, 49297 \$34.32, 49289 \$200.00, 54418 \$50.00 for a total amount of \$973.98; West Neck Water fund check number 3037 \$1.00;

Community Preservation fund check number 2023 \$9.70;

Trust and Agency fund checks numbered 8866 \$1,000, and 9068 \$100.00; for a total amount of \$1,100.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 491

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

BE IT RESOLVED, that the Town Board hereby establishes the following policy for non-union employees: The percentage of health insurance contribution to be collected from non-union employees/officials appointed or elected as follows:

For non-union employees:

Hired/Elected prior to 9/1/04 - The Town will pay the full premium cost for individual or family medical insurance coverage.

Hired/Elected after 9/1/04 - The employee will pay 2% for individual coverage and 4% for family coverage on their annual salary plus stipends excluding health insurance stipends and overtime.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 492

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and AllPaid, INC., to process credit, debit, and prepaid debit card transactions within the Justice Court.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared adopted.

RESOLUTION NO. 493

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and ParkMobile for provision of online collection and administration of daily parking permits for the Town of Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 494

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the Service Agreement between the Town of Shelter Island and East End Pest Control for a contract term of January 1, 2024 to December 31, 2024.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 495

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the Service Agreement between the Town of Shelter Island and Berkman Henoah Peterson & Peddy, PC, for professional services related to Community Housing.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 496

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

BE IT RESOLVED, effective January 1, 2024, that the rights and obligations of Lamb & Barnosky, LLP pursuant to the retainer agreement presently in effect, will be assigned to and assumed by the law firm of Keane & Beane, P.C.; and

BE IT FURTHER RESOLVED, effective January 1, 2024, that the Board terminates the retainer agreement with Lamb & Barnosky, LLP.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 497

Councilman Ianfolla offered the following resolution, which was seconded by Councilwoman Larsen, to wit:

WHEREAS, Lawrence Devine was the owner of 57 Winthrop Road, Shelter Island;

WHEREAS, there was a bulkhead in disrepair located on the property that compromised the structural integrity of Winthrop Road, a Town Road;

WHEREAS, Mr. Devine has since replaced said bulkhead with a new fully functional one;

WHEREAS, Mr. Devine alleges that all of the costs associated with the replacement of same shall be duly borne by the Town;

WHEREAS, in 2022, Devine commenced an action entitled, Lawrence Devine v. Town of Shelter Island, Index #: 200249/2022, in the Supreme Court of the State of New York, County of Suffolk seeking to recoup the entire cost of the replacement of the subject bulkhead;

WHEREAS, given the uncertainty of litigation and the equity of contributing to a portion of said replacement to ensure that Winthrop Road is protected and passable; now therefore be it

RESOLVED, that the Town Supervisor is authorized to execute a settlement agreement and general release to discontinue the lawsuit with prejudice; and be it further

RESOLVED, the Town in full settlement of all claims shall contribute \$72,924.50 of the \$169,849 costs to replace the subject bulkhead.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 498

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

WHEREAS, an agreement has been reached between the Town of Shelter Island and the Highway Benevolent Association, Inc., now, therefore

BE IT RESOLVED, that the Supervisor is hereby authorized and directed so sign said agreement.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 499

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

WHEREAS, an agreement has been reached between the Town of Shelter Island and the Shelter Island Police Benevolent Association, Inc. for a new collective bargaining agreement, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to sign said agreement.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 3:14, the Supervisor recessed the special meeting and called to order the public hearing to be held on the proposed updated Community Preservation Project Plan.

The Town 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.

Many expressed views either for or against the proposed update. There being no further comments, the Supervisor made a motion to close this hearing.

Vote: 2 in favor 3 opposed

Motion denied.

The public hearing was adjourned until further notice.

At 1:04 p.m., the Supervisor reconvened the special meeting. Some expressed views regarding the resolutions and process for the special meeting. There being no further comments, the Supervisor made a motion to close the special meeting. Councilman Ianfolla seconded. The motion was carried.

Amber Wilson
Town Clerk

