

January 2, 2024

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 2<sup>nd</sup> day of January, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Albert Dickson and Benjamin Dyett, and Councilwoman Margaret Anne Larsen. Town Clerk Amber Wilson, Town Attorney Stephen Kiely and approximately fifteen persons were also present.

Supervisor to call meeting at 1:00 p.m.

Salute to flag

Town Justice Mary Faith Westervelt administered the oath of office to the following newly elected Town Officials: Supervisor Amber Brach-Williams, Councilmen Albert Dickson and Benjamin Dyett, Town Clerk Amber Wilson, Superintendent of Highways Ken Lewis and Tax Receiver Annmarie Seddio.

At 1:07 p.m., the Supervisor declared a recess to allow for a reception in honor of the newly installed Town Officials.

The Supervisor reconvened the Organizational Meeting at 1:17 p.m.

RESOLUTION NO. 1

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

BE IT RESOLVED, that the Supervisor's designation of Liaisons for specified Committees and Boards are as follows:

<u>Boards &amp; Committee's</u>	<u>Primary</u>	<u>Secondary</u>
Community Housing Board	Supervisor Brach-Williams	Councilman Dyett
Community Preservation Fund	Councilman Dickson	Supervisor Brach-Williams
Comprehensive Plan Task Force	Councilwoman Larsen	Supervisor Brach-Williams
Conservation Advisory Council	Councilman Dyett	Councilman Dickson
Deer & Tick Committee	Councilman Dyett	Councilman Dickson
EMS Advisory Board	Supervisor Brach-Williams	Councilman Dickson
Ferry Study Group	Supervisor Brach-Williams	Councilman Dickson
Green Options Committee	Councilwoman Larsen	Councilman Dyett
Contractor Licensing Review Board	Councilman Dickson	Supervisor Brach-Williams
Planning Board	Councilman Dyett	Councilwoman Larson
Recreation Commission	Councilwoman Larson	Councilman Dickson
Taylor's Island Preservation & Management Committee	Councilman Dyett	Supervisor Brach-Williams
Water Advisory Committee	Councilwoman Larsen	Councilman Dickson
Water Quality Improvement Advisory Board	Councilman Dickson	Supervisor Brach-Williams
Waterways Management Advisory Council	Councilman Dyett	Councilman Dickson
West Neck Water District Board of Directors	Supervisor Brach-Williams	Councilman Dyett
Zoning Board Of Appeals	Councilwoman Larsen	Councilman Dickson
<u>In-House Working Committee's</u>		
Airfield	Supervisor Brach-Williams	Councilman Dyett
Buildings & Grounds	Supervisor Brach-Williams	Councilman Dyett
Capital Planning & Grants	Supervisor Brach-Williams	Councilwoman Larsen
Financial Advisory	Supervisor Brach-Williams	Councilman Dyett
Health & Wellness Alliance	Councilwoman Larsen	Councilman Dyett

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Highway & Public Works	Supervisor Brach-Williams	Councilman Dyett
IT	Supervisor Brach-Williams	Councilman Dyett
Media/Website	Supervisor Brach-Williams	Councilman Dyett
Peconic Estuary Partnership	Councilman Dickson	Supervisor Brach-Williams
Recycling	Supervisor Brach-Williams	Councilman Dyett
Safety	Supervisor Brach-Williams	Town Attorney, David Clark, Albert Labrozzi
Senior Citizens/Center	Councilman Dickson	Councilwoman Larsen
Shelter Island County Club	Councilman Dickson	Councilman Dyett
Waterways Committee	Supervisor Brach-Williams	Councilman Dyett

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 2

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

BE IT RESOLVED, That the regular meetings of the Town Board of the Town of Shelter Island will be held at 6:00 p.m. in the Shelter Island Town Hall, Shelter Island, New York on the following dates:

January 22, February 5, and 26, March 18, April 15, May 6, June 3, and 24, July 15, August 5, and 26, September 16, October 7, and 28, November 25, December 16, and 30, of 2024.

BE IT FURTHER RESOLVED, That work sessions of the Town Board of the Town of Shelter Island will be held at 1 p.m. in the Shelter Island Town Hall, on the following dates:

January 9, 23, and 30, February 6, 13, and 27, March 5, 12, 19, and 26, April 2, 9, 16, 23, and 30, May 7, 14, and 29, June 4, 11, 18, 25, July 2, 9, 16, 23, and 30, August 6, 13, 20, 27, September 10, 17, and 24,, October 1, 8, 22, and 29, November 6, 19, and 26, December 3, 10 and 17, of 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 3

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett, 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:

2024 Standard Work Day Elected and Appointed Positions

<u>Elected Positions</u>	<u>Standard Work Day</u>
Town Supervisor	8-hour day
Superintendent of Highways	8-hour day
Town Clerk	7- hour day
Town Board Members	6-hour day
Town Justice	6-hour day
Receiver of Taxes	6-hour day
<u>Appointed Positions</u>	<u>Standard Work Day</u>
Town Attorney	8-hour day
Exempt Secretary Highway Dept	7-hour day
Deputy Town Clerks (2)	7-hour day
Exempt Secretary Town Supervisor	6-hour day
Justice Court Clerk	7-hour day
Members & Chair Planning Board	6-hour day
Members & Chair Zoning Board of Appeals	6- hour day

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Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 4

Councilman Dyett offered the following resolution, which was seconded by Councilman Dickson, 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/her, and

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

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 5

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Larsen, 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 Bank shall be the official depositories for general, highway and federal funds, and

BE IT FURTHER RESOLVED, That Supervisor Amber Brach-Williams, Councilwoman Margaret Larsen, Councilmen Albert Dickson and Benjamin Dyett 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 banks.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 6

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Brach-Williams, 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 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 7

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

BE IT RESOLVED, that Town officials and employees will be reimbursed, subject to audit, at the rate of \$.67 per mile for their mileage on Town business for the year 2024, and

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

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

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Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 8

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

BE IT RESOLVED, that Stephen Kiely is hereby appointed to serve as Town Attorney for the term January 1, 2024 through December 31, 2025, to be paid as per budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 9

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

BE IT RESOLVED, that Michael DeSanctis is hereby appointed to serve as provisional Building Inspector for the year of 2024, to be paid as per 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 10

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

BE IT RESOLVED, that Chief of Police James J. Read is hereby appointed to serve as Emergency Management Coordinator for the year 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 11

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

BE IT RESOLVED, That Supervisor Amber Brach-Williams, Councilwoman Margaret Larsen, Councilmen Albert Dickson and Benjamin Dyett are hereby appointed to serve as Police Commissioners for the year 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 12

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

BE IT RESOLVED, that Jack Thilberg is hereby appointed to serve as EMS Director for the Town of Shelter Island for the year of 2024, to be paid as per the 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 13

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

BE RESOLVED, That Blanca Frausto is hereby appointed to serve as full time Tax Receiver Clerk for the year 2024, to be paid as per 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 14

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

BE IT RESOLVED, That Blanca Frausto is hereby appointed to serve as Provisional Assessment Clerk for the year of 2024, to be paid as 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

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RESOLUTION NO. 15

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett:

BE IT RESOLVED, that John Spinelli is hereby appointed to serve as Court Officer for the year of 2024 to be paid at the following rate schedule:  
for the first two hours or any part thereof \$50.00;  
for each additional hour at the rate of \$20.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 16

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

BE IT RESOLVED, That Councilwoman Margaret Larsen is hereby appointed to serve as Deputy Supervisor for the year 2024, to be paid as per the 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 17

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

BE IT RESOLVED, that Judy Meringer is hereby appointed to serve as Confidential Secretary to the Supervisor for the year 2024, to be paid as per the 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 18

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

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

Amber Wilson to serve as Registrar Of Vital Statistics and Records Management Officer;  
Linda Cass to serve as Deputy Town Clerk and Deputy Registrar of Vital Statistics; and  
Robert Mazzaferro to serve as Deputy Town Clerk and Sub-Registrar of Vital Statistics.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 19

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

BE IT RESOLVED, That Ken Lewis is hereby appointed to serve as Commissioner of Public Works for the year 2024, to be paid as per the 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 20

Councilman Dyett offered the following resolution, which was seconded by Councilman Dickson, 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 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

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RESOLUTION NO. 21

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

BE IT RESOLVED, that Tracy Gibbs, Deborah Brewer, and Linda Cass are hereby appointed to serve as part time Custodian for the year 2024, to be paid at a rate of \$29.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 22

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

BE IT RESOLVED, that Lauren Sanwald is hereby appointed to serve as part time Custodian for the year of 2024, to be paid at a rate of \$27.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 23

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

BE IT RESOLVED, that Catherine Rasmussen and Tracy Gibbs are hereby appointed to serve as Detention Attendant for the year of 2024 to be paid at the following rate schedule:  
for the first two hours or any part thereof \$50.00;  
for each additional hour at the rate of \$20.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 24

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

BE IT RESOLVED, that Jared Hamilton is hereby appointed to serve as Detention Attendant for the year of 2024, at a rate of \$50.90 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 25

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

BE IT RESOLVED, that Beau Payne is hereby appointed to serve as Detention Attendant for the year of 2024, at a rate of \$61.32 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 26

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

BE IT RESOLVED, that Amanda Gutiw is hereby appointed to serve as Detention Attendant for the year of 2024, at a rate of \$50.22 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 27

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

BE IT RESOLVED, that John Mahoney is hereby appointed to serve as Marine Patrol Officer for the year of 2024, at a rate of \$35.00 per hour.

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Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 28

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

BE IT RESOLVED, that Jenny Zahler is hereby appointed to serve as Animal Control Officer for the year of 2024, to be paid as per 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 29

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

BE RESOLVED, that Charles Kraus, Donald Dunning, Greg Raymond, Tom Hashagen and Raymond Sanwald are hereby appointed to serve as Maintenance Mechanics 1 for the year of 2024, at a rate of \$25.64 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 30

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

BE RESOLVED, that Andrew Chapman and Thomas Cronin are hereby appointed to serve as Laborers for the Residential Repair Program for the year of 2024, at a rate of \$24.65 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 31

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

BE IT RESOLVED, that Clarissa Fischer is hereby appointed to serve as a Nutrition Program part time office assistant for the year of 2024, at a rate of \$31.08 per hour, not to exceed 15 hours per week.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 32

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

BE IT RESOLVED, that Laurie Fanelli is hereby appointed to serve as Senior Citizen Aide II, for the year of 2024, to be paid as per 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 33

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Larsen, 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 2024, to be paid at a rate of \$24.19 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

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RESOLUTION NO. 34

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

BE IT RESOLVED, that Mary Ann McGinn and Heather Lee are hereby appointed to serve as Bus Drivers for the year 2024, to be paid at a rate of \$24.19 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 35

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

BE IT RESOLVED, that Frank Emmett and Jeanne Woods are hereby appointed to serve as AAA Drivers for the year of 2024, to be paid at a rate of \$24.19 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 36

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

BE IT RESOLVED, that Giovanna Ketchum is hereby appointed to serve as on call, as needed Cook for the Nutrition Program, for the year of 2024, to be paid at a rate of \$25.24 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 37

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

BE IT RESOLVED, that Angela Corbett is hereby appointed to serve as on call, as needed Cook for the Nutrition Program, for the year of 2024, to be paid at a rate of \$24.39 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 38

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

BE IT RESOLVED, that Alison Binder is hereby appointed to serve as part time Dishwasher for the Nutrition Program, for the year of 2024, to be paid at a rate of \$19.28 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 39

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

BE RESOLVED, that Lindsay Rando, Katie Potter and Kelsey Lechmanksi are hereby appointed to serve as FIT Aides for the year of 2024, at a rate of \$19.51 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 40

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

BE RESOLVED, that Debbie Brewer and Peter Miedema are hereby appointed to serve as FIT Aides for the year of 2024, at a rate of \$19.89 per hour.

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Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 41

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

BE IT RESOLVED, that Trent Firestine is hereby appointed to serve at FIT Aide for the year of 2024, at a rate of \$18.95 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 42

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

BE IT RESOLVED, that Alex Binder is hereby appointed to serve as FIT Aide for the year of 2024, at a rate of \$18.95 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 43

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

BE IT RESOLVED, that Kyle Burns is hereby appointed to serve at FIT Aide for the year of 2024, at a rate of \$17.51 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 44

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

BE IT RESOLVED, that Dawn Harris is hereby appointed to serve at FIT Aide for the year of 2024, at a rate of \$18.21 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 45

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

BE IT RESOLVED, that Cori Cass is hereby appointed to serve as Recreational Aide for the year of 2024, at a rate of \$19.89 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 46

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

BE IT RESOLVED, that Peter Miedema, Catherine Brigham and Julia Weisenberg are hereby appointed to serve as Recreation Specialist Instructor for the year of 2024, at a rate of \$30.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 47

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

BE RESOLVED, that Debbie Brewer, Kate Davidson and Katie Potter are hereby

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appointed to serve as Assistant Recreational Leaders for the year of 2024, at a rate of \$23.41 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 48

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

BE IT RESOLVED, that Kyle Burns is hereby appointed to serve as Assistant Recreational Leader for the year of 2024, at a rate of \$20.60 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 49

Councilman Dickson 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 does hereby approve the following fees for the fitness center, and ballfields membership fees for use of the fitness equipment and facilities for the year 2024, as follows:

FIT day membership \$15.00 per day,

Single fitness room membership \$285.00 per year,

Family fitness room membership \$440.00 per year,

Youth membership \$50.00 per year,

Full time College Student membership \$100.00 per year,

Volunteers, EMTs & Active Military \$175.00 per year, and

One-month membership \$100.00 per month.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 50

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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, Kelly Brochu, Albert Dickson, Stephen Kiely, Ken Lewis, Judy Meringer, Michael Mitchell, Shelby Mundy Aidan Mysliborski, Mary Faith Westervelt, and Benjamin Dyett, 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 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 51

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

WHEREAS, the Association of Towns meetings are to be held in New York City on February 18 - 21, 2024, 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 2024, and

WHEREAS, Certain Town Officials have expressed their desire to attend said meeting, and

WHEREAS, Supervisor Amber Brach-Williams is hereby authorized to represent the

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Town of Shelter Island in voting in the Association meeting, and

WHEREAS, Councilwoman Margaret Larsen is hereby designated as voting alternate, now, therefore

BE IT 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 52

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

WHEREAS, the term of Richard Homan as a member of the Emergency Medical Services Advisory Board expired on December 31, 2023, and

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

BE IT RESOLVED, that Mr. Richard Homan is hereby reappointed to serve as member of the EMS Advisory Board for a term to expire on December 31, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 53

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

WHEREAS, the term of Dr. Charles Ihlenfeld as a member of the Emergency Medical Services Advisory Board expired on December 31, 2023, and

WHEREAS, Dr. Ihlenfeld has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Dr. Charles Ihlenfeld is hereby reappointed to serve as member of the EMS Advisory Board for a term to expire on December 31, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 54

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

WHEREAS, the term of Fr. Peter DeSanctis as a member of the Emergency Medical Services Advisory Board expired on December 31, 2023, and

WHEREAS, Fr. DeSanctis has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Fr. Peter DeSanctis is hereby reappointed to serve as member of the EMS Advisory Board for a term to expire on December 31, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 55

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

WHEREAS, the term of Linda Zavatto as a member of the Taylor's Island Preservation and Management Committee expired on December 13, 2023, and

WHEREAS, Ms. Zavatto has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Ms. Linda Zavatto is hereby reappointed to serve as member of the Taylor's Island Preservation and Management Committee for a term to expire on

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December 13, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 56

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

WHEREAS, the term of Rich Surozenski as a member of the Taylor’s Island Preservation and Management Committee expired on December 13, 2023, and

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

BE IT RESOLVED, that Mr. Rich Surozenski hereby reappointed to serve as member of the Taylor’s Island Preservation and Management Committee for a term to expire on December 13, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 57

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

WHEREAS, the term of Pat Hunt as a member of the Taylor’s Island Preservation and Management Committee expired on December 13, 2023, and

WHEREAS, Mrs. Hunt has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Mrs. Pat Hunt hereby reappointed to serve as member of the Taylor’s Island Preservation and Management Committee for a term to expire on December 13, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 58

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

WHEREAS, the term of Steve Lenox as a member of the Taylor’s Island Preservation and Management Committee expired on December 13, 2023, and

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

BE IT RESOLVED, that Mr. Steve Lenox hereby reappointed to serve as member of the Taylor’s Island Preservation and Management Committee for a term to expire on December 13, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 59

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

WHEREAS, the term of Twoey Brayson as a member of the Water Quality Improvement Advisory Board will expire on February 2, 2024, and

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

BE IT RESOLVED, that Mr. Twoey Brayson is hereby reappointed to serve as member of the Water Quality Improvement Advisory Board for a term to expire on February 2, 2029.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

January 2, 2024 – continued

RESOLUTION NO. 60

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

WHEREAS, the term of Dan Clark as a member of the Conservation Advisory Council expired on September 20, 2023, and

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

BE IT RESOLVED, that Mr. Dan Clark is hereby reappointed to serve as member of the Conservation Advisory Council for a term to expire on September 20, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 61

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

WHEREAS, sealed bids for the disposal of municipal solid waste and for equipment to be used for such disposal of MSW and tires generated in the Town of Shelter Island, and

WHEREAS, bids were received by the Commissioner of Public Works as follows:

Mattituck Environmental Services	\$250 per ton for the year of 2024;
	\$300 per ton for the year of 2025; and

National Waste Services	\$182 per ton for the year of 2024;
	\$182 per ton for the year of 2025.

WHEREAS, it is the recommendation of the Commissioner of Public Works that the bid be awarded to Nation Waste Services, now, Therefore

BE IT RESOLVED, That the Town Board does hereby award said bid to National Waste Services for the aforementioned prices.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 1:52 p.m., the Supervisor opened the meeting to the public. There being no comments, the Supervisor made a motion to close. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

January 22, 2024

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 22<sup>nd</sup> day of January, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilman Albert Dickson, and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately seven persons were also present. Councilman Benjamin Dyett was present via zoom.

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

Salute to flag

January 22, 2024 – continued

RESOLUTION NO. 62

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

WHEREAS, The Town of Shelter Island does not have an on-island hospital; and  
WHEREAS, The Town of Shelter Island relies on Emergency Medical Services to fill such a void; and

WHEREAS, The Southampton Hospital Foundation is willing to partner with the Town of Shelter Island to provide a paramedic first responder vehicle ("Fly Car"), medical supplies, and a certified/credentialed paramedic to provide on island Emergency First Aid and Advanced Life Support, 24 hours a day, 365 days a year, and

WHEREAS, The financial commitment to fund such a program is \$575,000.00 annually, and the Southampton Hospital Foundation will contribute \$143,750.00 and fuel cost; and

WHEREAS, The Town will contribute \$431,250.00, plus ferriage; and

WHEREAS, The Town Board finds this partnership necessary to protect the life, safety, and welfare of our residents and guests; now, Therefore

BE IT RESOLVED, That the Town Supervisor or her designee is authorized to sign any and all documents required to execute a contract in connection with the Southampton Hospital Foundation "Fly Car" program for the provision of a paramedic first responder vehicle ("Fly Car") and a certified/credentialed paramedic in order to provide on island emergency first aid, 24 hours a day, 365 days a year, at a cost of \$431,250.00 plus ferriage.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 63

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

WHEREAS, the Town of Shelter Island was awarded funds from the New York State Department of Transportation Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program ("5310 Program") in the amount of \$140,329; and

WHEREAS, 5310 Program funds will support operating funds to sustain and expand transportation services provided by the Town's Senior Center for the period 1/1/22-12/31/27; therefore be it

RESOLVED, the Town Board of the Town of Shelter Island hereby authorizes the Supervisor or her designee to sign any and all documents required to execute a contract with the New York State Department of Transportation for the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 64

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

WHEREAS, Section 90-6.1(D) of the Shelter Island Town Code authorizes the removal of moorings that have had permits revoked and moorings without permits, and

WHEREAS, Section 40-5(B) of the Shelter Island Town Code authorizes the removal of vessels that are a menace to navigation or becomes unseaworthy or sinks, grounds or otherwise becomes disabled or incapable of navigation, and

WHEREAS, Section 128-8(C) of the Shelter Island Town Code authorizes the removal of vessels anchored in violation of the Shelter Island Town Code, and

WHEREAS, the Shelter Island Police Department may need to tow, impound or seize vessels for criminal investigations, accident investigations or for the violation of any State, County or Local statute that may apply, now, Therefore:

BE IT RESOLVED, That the following impound fees must be paid to the Town Clerk prior to the release of a mooring or vessel from Shelter Island Police impound:

Mooring, impounded less than 14 days:	\$250.00
Mooring, impounded 14 or more days:	\$500.00
Watercraft, impounded less than 14 days pursuant to TC 40-5.1(H):	\$50.00

January 22, 2024 – continued

Watercraft, impounded 14 or more days pursuant to TC 40-5.1(H):	\$100.00
Vessel, other than impounded pursuant to TC 40-5.1(H):	\$250.00 + \$25.00 business day
Vessel, impound requiring special services:	\$250.00 + \$25.00 business day + expenses incurred

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

#### RESOLUTION NO. 65

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

WHEREAS, request for proposals were received by the Superintendent of Highways/Commissioner of Public Works until 3 p.m. on the 5<sup>th</sup> day of January, 2024, for precast concrete drainage products, at which time they were opened publicly and read as follows:

Suffolk Precast \$8,324.76; and

WHEREAS, the Superintendent of Highways/Commissioner has reviewed said proposal, now, Therefore

BE IT RESOLVED, that said request is hereby awarded to Suffolk Precast.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 66

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

WHEREAS, Resolution No. 6-2024 designated both the Shelter Island Reporter and Newsday as the Official Town Newspapers for the Town of Shelter Island for the year 2024;

WHEREAS, the Town Board finds that having two official newspapers can cause confusion and is fiscally imprudent; and now therefore be it

RESOLVED, Resolution No. 6-2024 is hereby repealed and replaced as follows: "The Shelter Island Reporter is the sole official newspaper of the Town of Shelter Island for the year 2024."

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 67

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

WHEREAS, Rebecca Smith, 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 Brander Parkway, 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 \$16,000.00 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 \$16,000.00 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

January 22, 2024 – continued

RESOLUTION NO. 68

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

WHEREAS, Mary Paige Lang-Clouse and James Lang, 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 10 Prospect 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 \$12,000.00 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 \$12,000.00 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 0 opposed 1 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 69

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

WHEREAS, Monique and Susan Mitchell, 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 7 South Midway 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 \$16,000.00 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 \$16,000.00 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 0 opposed 1 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 70

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

WHEREAS, Michael Scaraglino, 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 5 Heritage 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 \$16,000.00 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 \$16,000.00 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 0 opposed 1 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 71

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

January 22, 2024 – continued

WHEREAS, Alice Deupree, 16B South Midway has petitioned the Town of Shelter Island for permission to install a mooring in Menantic Creek at a location designated as latitude 41.059614° North and longitude -72.0343706° 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 6:02 p.m., prevailing time, on the 5<sup>th</sup> day of February, 2024, 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. 72

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

WHEREAS, Sylvain Pascaud, 10 Terry Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.07453° north and longitude -72.31558° west, formerly occupied by the Martin Levenstein C-2613 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 6:04 p.m., prevailing time, on the 5<sup>th</sup> day of February, 2024, 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. 73

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

WHEREAS, the Superintendent of Highways/Commissioner of Public Works, 34 North Menantic Road, has submitted an application to the Town of Shelter Island for permission to remove existing catwalk and replace bulkhead with new vinyl up to 18 inches higher, construct a 33.5 ft s. return and a 16 ft n. return, jog 9 ft and extend 75 ft, raise rode to new bulkhead, maintenance dredge 25 c.y. as per DEC 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 6:06 p.m., prevailing time, on the 5<sup>th</sup> day of February, 2024, 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. 74

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

BE IT RESOLVED, that Emily Kraus is hereby appointed to serve as FIT Manager for the year of 2024 to be paid at a rate of \$31.16 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 75

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

BE IT RESOLVED, that Catherine Ryan is hereby appointed to serve as Secretary to the Superintendent of Highways and Commissioner of Public Works, retroactive to January 1, 2024, to be paid as per 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 76

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

BE IT RESOLVED, that Michelle Donohue is hereby appointed to serve as the Cook for

January 22, 2024 – continued

the Senior Citizens Nutrition Program, retroactive to January 1, 2024 for 30 hours per week, to be paid at a rate of \$28.85 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 77

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

WHEREAS, the term of Peter McCracken as a member of the Emergency Medical Services Advisory Board expired on December 31, 2023, and

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

BE IT RESOLVED, that Mr. Peter McCracken is hereby reappointed to serve as member of the EMS Advisory Board for a term to expire on December 31, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 78

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

WHEREAS, the term of Peter McCracken as a member of the Community Housing Board expired on December 31, 2023, and

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

BE IT RESOLVED, that Mr. Peter McCracken is hereby reappointed to serve as member of the Community Housing Board for a term to expire on December 31, 2027.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 79

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

WHEREAS, the term of Kathleen Gerard as a member of the Community Preservation Fund Advisory Board will expire on February 2, 2024, and

WHEREAS, Ms. Gerard has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Ms. Kathleen Gerard is hereby reappointed to serve as member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2027.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 80

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

WHEREAS, the term of Al Loreto as a member of the Waterways Management Advisory Council will expire on February 1, 2024, and

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

BE IT RESOLVED, that Mr. Al Loreto is hereby reappointed to serve as member of the Waterways Management Advisory Council for a term to expire on February 1, 2027.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 81

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

WHEREAS, the term of John Needham as a member of the Ferry Study Group will expire on January 29, 2024, and

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

January 22, 2024 – continued

BE IT RESOLVED, that Mr. John Needham is hereby reappointed to serve as member of the Ferry Study Group for a term to expire on January 29, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 82

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

WHEREAS, the term of Matthew Fox as a member of the Planning Board expired on December 31, 2023 and

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

BE IT RESOLVED, that Mr. Matthew Fox is hereby reappointed to serve as member of the Planning Board for a term to expire on December 31, 2028.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 83

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

WHEREAS, the term of Marc Wein as a member of the Waterways Management Advisory Council will expire on February 1, 2024, and

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

BE IT RESOLVED, that Mr. Marc Wein is hereby reappointed to serve as member of the Waterways Management Advisory Council for a term to expire on February 1, 2027.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 84

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

WHEREAS, sealed bids on the purchase of No. 2 Fuel Oil for the year 2024 were received by the Town Clerk's Office until 3 p.m., on the 12<sup>th</sup> day of January, 2024, at which time they were publicly opened and read aloud as follows:

J.W. Piccozzi, Inc: for each gallon delivered for the calendar year 2024, 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. 85

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

WHEREAS, sealed bids on the purchase of propane for the year 2024 were received by the Town Clerk's Office until 3 p.m., on the 12<sup>th</sup> day of January, 2024, at which time they were publicly opened and read aloud as follows:

J.W. Piccozzi, Inc: for each gallon delivered for the calendar year 2024, 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 2024 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. 86

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

January 22, 2024 – continued

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$6,809.00 from the A4540.484 Ambulance Office & Misc. account to SCM Products, INC. for the 2024 Annual Maintenance Contract.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 87

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$937.13 from the A1330.476 Tax Receiver Computer Software account to Edmunds GovTech for the iTax Web Portal Maintenance, contract term of February 1, 2024 through January 31, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 88

Councilman Dickson 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 \$4,140.00 from the A1680.476 Computer Maintenance account to East End Computers, LLC, for the Sonic Wall Subscription.

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 Supervisor Brach-Williams, to wit:

BE IT RESOLVED, That 2023 general claims numbered 2261 through 2499 in the amount of \$296,919.72; 2023 Highway claims numbered 234 through 261 in the amount of \$37,569.83; Community Preservation Fund claims numbered 27 through 31 in the amount of \$26,871.93 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.

RESOLUTION NO. 90

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

BE IT RESOLVED, That 2024 general claims numbered 2 through 51 in the amount of \$269,201.42; 2024 Highway claim number 1 in the amount of \$500.00; 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.

At 6:27 p.m., the Supervisor recessed the regular meeting and reconvened the public hearing 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 Supervisor opened the meeting to the public. William Geraghty, Chairman of the WMAC, stated that the Suffolk County Planning Commission was in favor of a three-month moratorium and requests that the Town Board approve the proposed Local Law. There being no further comments the Supervisor closed this public hearing and reconvened the public hearing on the proposed updated Community Preservation Project Acquisition Plan.

The Supervisor opened the meeting to the public. After a brief discussion, the Supervisor closed the public hearing. The proposed plan will be sent to CPFAB for comments, suggestions and will be discussed further in work sessions.

At 6:39 the Supervisor reconvened and opened the regular meeting to the public.

January 22, 2024 – continued

There being no further comments, at 6:40 p.m., the Supervisor made a motion to adjourn. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

February 5, 2024

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 5<sup>th</sup> day of February, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Albert Dickson and Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately six persons were also present.

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

Salute to Flag

Supervisor Brach-Williams opened the meeting to the public to comment on any resolutions not subject to a public hearing. A member from the community questioned where outside council is located in the budget. Supervisor Brach-Williams advised its included in professional services.

#### RESOLUTION NO. 91

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Larsen, 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 2024 with an option to renew for 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 92

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

WHEREAS, on December 28, 2023, via Resolution 495, the Town Board terminated the retainer agreement between the Town and Lamb & Barnosky, LLP, as our specific labor counsel left the firm and joined Keane & Beane, P.C.;

WHEREAS, the Town Board desires to enter into a retainer agreement with Keane & Beane, P.C. to continue and maintain our relationship with said labor counsel; and now therefore be it

RESOLVED, the Town Board hereby retains the firm of Keane and Beane, P.C. for labor law services; and be it further

RESOLVED, that the Supervisor is authorized to execute the subject retainer agreement.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 93

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

WHEREAS, the Town of Shelter Island has heretofore established a Town of Shelter

February 5, 2024 – continued

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 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 94

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

WHEREAS, two eligible employees requested concurrent Paid Family Leave, and

WHEREAS, Town of Shelter Island Employee Handbook specifies that the concurrent PFL for spouses that are both employed by the Town is granted at the discretion of the Town Board, and

WHEREAS, the respective Department Heads did not object to concurrent leave, now, therefore

BE IT RESOLVED, the concurrent PFL is hereby granted.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 95

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

WHEREAS, a public hearing was duly held on the 12<sup>th</sup> day of December, 2023 and January 22, 2024, for all interested persons to be heard in favor of or in opposition to a proposed a local law entitled “A LOCAL LAW to impose a three-month moratorium on the processing and approval of new dock permits by the Town Board” which provides as follows:

#### LOCAL LAW NO. 1 of 2024

A LOCAL LAW entitled “A LOCAL LAW to impose a three-month moratorium on the processing and approval of new dock permits by the Town Board” which provides 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 three(3) 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.

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 use and enjoyment of our waters by residents and their guests.

Vote: 3 in favor 1 opposed (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 96

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

WHEREAS, the Town Board is proposing the adoption of a local law entitled "A LOCAL LAW to impose a three-month moratorium on the processing and approval of dock permits by the Town Board"; and

WHEREAS, the Town Board finds that there has been increased growth and a spread of development throughout the town, including the requests for docks, which is exerting pressure on Shelter Island's fragile shoreline. Further, there has been a strong negative response to some dock permit applications over the past year by both the members of the Waterways Management Advisory Council and the public, suggesting 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 and eventually been granted “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 interest, the Town Board has determined that an immediate suspension of the acceptance and review of all new and pending dock applications is required; and

WHEREAS, a public hearing was held on December 12, 2023, and January 22, 2024, and the proposed moratorium has been voluntarily referred to the Suffolk County Planning Commission ; 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 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; now,

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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 97

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

WHEREAS, Douglas Matz 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 10 Tarkettle Road, and

WHEREAS, on November 13, 2020, per Resolution No. 524, the Town Board approved said application for a conditional rebate of up to \$6,000.00 in eligible costs upon completion, and

WHEREAS, the applicant is no longer owner of said property, now, Therefore

BE IT RESOLVED, that the conditional rebate is hereby rescinded.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 98

Councilman Dyett offered the following resolution, which was seconded by Councilman Dickson, 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 individual in following amounts are adjusted per Town Board Resolution No. 316 on August 8, 2023 as follows:

Authorized	Name	Original Rebate	Updated rebate
9/27/2022	Alec Sash	\$8,000	\$17,000 (PSD)

Vote: 3 in favor 1 recusal (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 99

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

WHEREAS, the term of Elizabeth Galle as a member of the Ferry Study Group expired

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on January 29, 2024, and

WHEREAS, Mrs. Galle has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Mrs. Elizabeth Galle is hereby reappointed to serve as member of the Ferry Study Group for a term to expire on January 29, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 100

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

BE IT RESOLVED, That Kelly Brochu is hereby appointed to serve as provisional Senior Citizens Center Manager, to be paid as per 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 101

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

BE IT RESOLVED, That Alexandra Hakim is hereby appointed to serve as part time Town Social Worker, for the year of 2024, to be paid as per 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 102

Councilman Dyett offered the following resolution, which was seconded by Councilman Dickson, 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, Mary Ann McGinn was appointed to serve as Bus Driver for the year of 2024, and

WHEREAS, Steve Lenox was appointed to serve as a member of the Taylor's Island Preservation and Management Committee for a term to expire on December 13, 2026, and

WHEREAS, Twoey Brayson, was appointed to serve as a member of the Water Quality Improvement Advisory Board for a term to expire on February 2, 2029, and

WHEREAS, the abovementioned persons have not yet signed and filed said constitutional oath of office, and

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

BE IT RESOLVED, That the Town Board hereby appoints the aforementioned persons to their designated positions.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 103

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

WHEREAS, the Town of Shelter Island has received two very generous donations , one from the Shelter Island Lions Club Foundation in the amount of \$4,000.00, and one from the Shelter Island Fire Department in the amount of \$4,000.00, for the purpose of purchasing handicap ramps to be used in the community by individuals in need, and

WHEREAS, receipt of these funds was unknown at budget time, now, Therefore

BE IT RESOLVED, that a new 2024 revenue code A2705R Handicap Ramp Donations is

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hereby increased in the amount of \$8,000.00, and that a new 2024 expenditure code A1620.276 Handicap Ramps is increased in the amount of \$8,000.00, and

BE IT FURTHER RESOLVED, that the Town Board most graciously thanks the Shelter Island Lions Club Foundation and the Shelter Island Fire Department for their contribution to purchase more handicap ramps to be used by the entire community.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 104

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

WHEREAS, the Town of Shelter Island has received a donation from the Shelter Island Ambulance Foundation in the amount of \$6,300.00 to be used to cover the gas and mileage reimbursement that will be received by EMS volunteers, and

WHEREAS, receipt of these funds was unknown at budget time, now, Therefore

BE IT RESOLVED, that the 2023 A2705A Ambulance Donations revenue account is hereby increased in the amount of \$6,300.00, and that the 2023 A4540.492 EMS travel and meetings expenditure account is increased in the amount of \$6,300.00.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 105

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

BE IT RESOLVED, that Town officials and employees will be reimbursed, subject to audit, at the rate of \$0.67 per mile for their mileage on Town business for the year of 2024, and

BE IT FURTHER RESOLVED, that the daily food allowance is hereby set at \$80.00 per day and all Town employees will be reimbursed, subject to audit, for actual and necessary expenses incurred attending training programs or professional meetings which will enhance their job skills, and

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 106

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to deposit the sum of \$6,566.88 from Geico General Insurance Co. for reimbursement for the damages that occurred on August 17, 2023 to the Crescent Beach Pavilion. This sum is to be credited to: 2023 A1490.409 PW – Parks & Beaches in the amount of \$5,489.44; and 2023 A1490.101 – PW Payroll in the amount of \$1,077.44.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 107

Councilman Dickson 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 \$1,878.80 from the A3120.491 PD Contracts account to Lexipol for the contract term of 3/1/2024 – 2/28/2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

#### RESOLUTION NO. 108

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

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BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$16.00 from the A1355.491 Assessors Support Contracts account to Xerox Corporation for the monthly contract payment.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 109

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

BE IT RESOLVED, that the 2024 budget transfers are hereby approved:  
\$2,508.26 from A1990.400 Contingent to A3120.100 Police Chief James Read,  
\$105,761.95 from A1990.400 Contingent to A3120.100PS Police Personnel Services,  
\$2,908.10 from A1990.400 Contingent to A3120.100L Police Longevity,  
\$2,814.86 from A5010.100L Highway Longevity to A1490.101L Public Works Longevity,  
\$41,289.35 from A1990.400 Contingent to A1490.101 Public Works Personnel Services,  
\$2,777.71 from A1990.400 Contingent to A1490.101L Public Works Longevity,  
\$1,234.90 from A1990.400 Contingent to A5010.100PS Highway Personnel Services,  
\$12,118.91 from A1990.400 Contingent to A8160.100PS Landfill Personnel Services,  
\$11,892.57 from A1990.400 Contingent to A8160.100L Landfill Longevity,  
\$578.85 from A1990.400 Contingent to A8160.120PS Hazmat Personnel Services,  
\$700 from A1990.400 Contingent to A8160.120L Hazmat Longevity,  
\$8,499.33 from DA5140.100 Brush and Weeds Personnel Services to DA5140.100L Brush and Weeds Longevity,  
\$6,288.91 from DA5140.100 Brush and Weeds Personnel Services to DA5130.100 Mechanics Personnel Services,  
\$2,633.75 from DA5140.100 Brush and Weeds Personnel Services to DA5130.145 Mechanics Longevity,  
\$2,365.94 from A1990.400 Contingent to DA5130.100 Mechanics Personnel Services,  
\$27,245.93 from A1990.400 Contingent to A6772.143 Nutrition Cook M. Donahue,  
\$1,800 from A1990.400 Contingent to A1420.484 Town Attorney Office & Miscellaneous,  
\$1,499.33 from DB5110.100 Roads Personnel Services to DB5110.100L Roads Longevity.  
\$500 from A8140.480 Community Housing Board Consulting to a new code labeled A8140.496 Community Housing Board Association of Towns.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 110

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

BE IT RESOLVED, That the following 2024 budget modification is hereby approved: \$140,329 increase to a new A3772B 5310 Program revenue code, and a \$140,329 increase to a new A6774.145 5310 Program Drivers expense code, to be funded by the NYS DOT Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program grant funds.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 111

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

BE IT RESOLVED, That 2023 general claims numbered 2500 through 2559 in the amount of \$54,139.26; 2023 Highway claims numbered 262 through 278 in the amount of \$392,125.80; Community Preservation Fund claim number 32 in the amount of \$32.00 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.

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RESOLUTION NO. 112

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

BE IT RESOLVED, That 2024 general claims numbered 52 through 164 in the amount of \$62,994.44; 2024 Highway claims numbered 2 through 5 in the amount of \$42,163.97; are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 4 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 Alice Deupree, 16B South Midway Road, for permission to install a mooring in Menantic Creek at a location designated as latitude 41.059614° north and longitude -72.343706° west.

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

The Supervisor called for the report from the Waterways Management Advisory Council, which was as follows: WMAC recommended to remove the applicants son off of the application. WMAC approved the application

The Supervisor opened the public hearing for all to be heard in favor or in opposition. There being no comments the Supervisor declared the public heard closed and called to order the public hearing on Sylvain Pascaud, 10 Terry Drive, for permission to relocate mooring number W-3555 from a location in West Neck Bay to a location in Coecles Harbor designated as latitude 41.07453° north and longitude -72.31558° west formally occupied by the Martin Levenstein C-2613 mooring.

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

The Supervisor called for the report from the Waterways Management Advisory Council, which was as follows: The WMAC will review this application at the meeting held on February 6, 2024.

The Supervisor opened the public hearing for all to be heard in favor or in opposition. There being no comments the Supervisor adjourned this public hearing pending review of the WMAC and opened the public hearing to be held as advertised on the application of the Superintendent of Highways, 34 North Menantic Road, to remove existing catwalk and replace bulkhead with new vinyl up to 18 inches higher, construct a 33.5 ft s. return and a 16 ft n. return, jog 9 ft and extend 75 ft, raise road to new bulkhead, maintenance dredge 25 c.y. as per DEC permit.

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

The Supervisor called for the report from the Waterways Management Advisory Council, which was as follows: WMAC approved the Congdon Creek bulkhead application.

The Supervisor opened the public hearing for all to be heard in favor or in opposition. There being no comments the Supervisor declared the public heard closed and reconvened the regular Town Board meeting.

RESOLUTION NO. 113

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

WHEREAS, Alice Deupree, 16B South Midway Road, has petitioned the Town of Shelter Island for permission to install a mooring in Menantic Creek at location designated as 41.059614° North and -72.343706° West, and

WHEREAS, a public hearing was duly held on the 5<sup>th</sup> day of February, 2024, for all interested persons to be heard in favor of or in opposition, now, Therefore

February 5, 2024 – continued

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

Vote: 3 in favor 1 recusal (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 114

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

WHEREAS, the Superintendent of Highways/Commissioner of Public Works, 34 North Menantic Road, has submitted an application to the Town of Shelter Island for permission to remove existing catwalk and replace bulkhead with new vinyl up to 18 inches higher, construct a 33.5 ft s. return and a 16 ft n. return, jog 9 ft and extend 75 ft, raise road to new bulkhead, maintenance dredge 25 c.y. as per DEC permit, and

WHEREAS, a public hearing was duly held on the 5<sup>th</sup> day of February, 2024, 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.

At 6:30 p.m., the Supervisor opened the meeting to the public. There being no comments, the Supervisor made a motion to adjourn. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

February 26, 2024

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 26<sup>th</sup> day of February, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately twelve persons were also present.

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

Salute to Flag

Supervisor Brach-Williams opened the meeting to the public to comment on any resolutions not subject to a public hearing. Members from the community spoke in opposition to the special election request for the Councilperson vacancy.

#### RESOLUTION NO. 115

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

WHEREAS, pursuant to a recommendation from the Community Preservation Fund Advisory Board, the Town Board is desirous of purchasing 72 & 80 Midway Road, Shelter Island, two adjoining vacant lots, as a 50% partner with the County of Suffolk for passive recreational use; and now therefore be it

RESOLVED, that the Town Board of the Town of Shelter Island hereby sets a public hearing for March 18, 2024 at 6:02 p.m., prevailing time, on the potential fee title acquisition, with the County of Suffolk as a 50% partner, of 7.1 acres total between South Midway Road and Dickerson Creek, Shelter Island, New York, more specifically identified as Suffolk County Tax Map#: District 700-Section 23- Block 1-Lots 33.001 & 33.002; and be it further

RESOLVED, that the total purchase price of the subject parcels is \$3,000,000.00 and the Town's contribution will be \$1,500,000.00, to be paid with Community Preservation Funds.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 116

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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 Monday, March 18, 2024, at 6:04 p.m. 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 Three months" which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

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 Three 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. Due to the foregoing, the Town Board on December 12, 2023, a public hearing was held to extend the moratorium for an additional six (6) months and after deliberation said extension was adopted, but for three (3) not six (6) months in keeping with the request of the Suffolk County Planning Commission. Said extension became effective on December 21, 2023, when Local Law No. 14 was filed with the Secretary of State. In the interim, the Comprehensive Plan Advisory Committee has steadfastly continued its work toward the completion of the Update but has not yet finished. Despite said incompleteness, the Town subcommittee, for efficiency, has drafted a proposed amendment to the Zoning Code to address concerns with the current review process of large home requests. On February 27, 2024, the Town Board will review the proposed amendment at a regularly scheduled work session. The Town Board anticipates holding a public hearing on same in early April, thus an extension of the subject moratorium is necessary.

#### 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, which was extended to March 21, 2024, via Local Law No. 14 of 2023, is hereby extended for an additional three (3) month period of time from the effective date of same.
- B. Except as otherwise amended herein, all provisions of Local Law No. 5 of 2023 and Local Law No. 14 of 2023 shall be extended for an additional three (3) months through the effective date of same.

#### 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 three (3) months, so that the comprehensive plan may continue to be updated and a public hearing on a proposed large home code amendment can occur, and potentially be adopted, so to provide for a review process in connection with large homes which will ensure that they are in keeping with the character of Shelter Island and do not create excessive environmental harm.

February 26, 2024 – continued

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 117

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

WHEREAS, on January 1, 2024, there was a vacancy created on the Town Board as Amber Brach-Williams rose from Councilperson to Town Supervisor;

WHEREAS, pursuant to New York State Town Law Section 64(5) the Town Board is empowered to fill said vacancy via majority appointment;

WHEREAS, eleven residents applied for and were interviewed to fill the subject vacancy;

WHEREAS, after due deliberation by the Town Board a consensus cannot be achieved for any one candidate and the Board is at an impasse;

WHEREAS, pursuant to New York State Public Officers Law Section 42 the Board may petition the Governor to call a special election if, as here, an elective office cannot be filled by appointment; and now therefore be it

RESOLVED, that the Town Board of the Town of Shelter Island hereby requests that the Governor of the State of New York proclaim a special election to fill the vacant Town of Shelter Island Councilperson position

Roll Call:

Councilman Dickson Nay

Councilwoman Larsen Aye

Supervisor Brach-Williams Aye

Councilman Dyett Nay

Vote: 2 in favor 2 opposed

Motion Denied

RESOLUTION NO. 118

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to sign and submit payment of \$13,230.00 for the agreement between East End Computers, LLC and the Town of Shelter Island for IT management and other services for the year of 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 119

Councilman Dickson 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 letter of engagement between the Town of Shelter Island and PKF O'Connor Davies, LLP concerning the nature and scope of the audit services being provided to the Town for the years ending December 31, 2023 and 2024, as per agreement.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO . 120

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

WHEREAS, pursuant to Town Law Section 64-e (12) the Town Board must perform annual audit of the Community Preservation Fund; and

WHEREAS, the Town Board is desirous of performing audits for the year of 2023; and

WHEREAS, the Town Board wishes to validate the 2023 ending balances; and

WHEREAS, Craig, Fitzsimmons & Meyer, LLP is an accounting firm that has experience conducting such audits; now, Therefore

BE IT RESOLVED, that the Town Board hereby retains the accounting firm of Craig, Fitzsimmons & Meyer, LLP, to perform audits of the Community Preservation Fund for the year of 2023; now, Therefore

February 26, 2024 – continued

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. 121

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

WHEREAS, Kevin Lechmanski, IT Department Head, has requested permission to dispose of 3 CPU's, now, Therefore

BE IT RESOLVED, that the Town Board does hereby declare the following equipment surplus:

1 Dell Optiplex 790 Serial #3YG12R1

1 Dell Optiplex 790 Serial #CJ58KQ1

1 Dell Optiplex 790 Serial #CJ59KQ1.

Vote: 4 in favor 0 opposed

The resolution was there upon declared duly adopted.

RESOLUTION NO. 122

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

WHEREAS, Stephanie Needham, 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 10 St. Mary's 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 \$16,000.00 be awarded as follows:

Base Grant \$12,000.00

PSD Incentive \$0.00

Well Replacement set aside \$4,000.00

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 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 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 123

Councilman Dickson offered the following resolution, which was seconded by Supervisor Brach-Williams, 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
1/10/2023	Arthur and Barbara Bloom	\$6,000	\$12,000
6/6/2023	Richard Homan	\$8,000	\$17,000 (Well)

Vote: 3 in favor 1 abstain (Councilwoman Larsen)

The resolution was therefore declared duly adopted.

RESOLUTION NO. 124

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

BE IT RESOLVED, that John Spinelli is hereby appointed to serve as School Crossing

February 26, 2024 – continued

Guard for the year of 2024, to be paid at a rate of \$30.00 per hour, retroactive to February 12, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 125

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

BE IT RESOLVED, that Cori Cass is hereby appointed to serve as FIT Aide for the year of 2024, to be paid at a rate of \$19.89 per hour, retroactive to January 1, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 126

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$1,580.00 from A3120.491 PD Contracts to Motorola Solutions, Inc, for the WatchGuard contract term of February 29, 2024 – February 27, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO . 127

Councilman Dickson 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 \$11,943.11 from the A3120.491 PD Contracts account to Trittech Software Systems for software annual maintenance.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO . 128

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$17,500.00 from the A1680.476 Computer Maintenance account to East End Computers, LLC for the annual Datto service.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

#### RESOLUTION NO. 129

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$659.83 from the A3120.491 PD Contracts account to CARR business systems for the contract billing period of 1/24/2024 – 1/23/-2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

#### RESOLUTION NO. 130

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

BE IT RESOLVED, that the following 2023 budget transfers are hereby approved: \$316 from A8510.100 Taylor's Island Clerk, \$1,033.32 from A8510.200 Taylor's Island Equipment, \$265.92 from A8510.484 Taylor's Island Office & Miscellaneous, and \$2,000 from A8510.485 Taylor's Island Shed to A8510.408 Taylor's Island Cabin Repairs.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

February 26, 2024 – continued

RESOLUTION NO. 131

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

BE IT RESOLVED, that the following 2024 budget transfer are hereby approved: \$39,638.35 from the Highway Capital Reserve Equipment Account to the 2024 Highway expense code DA9950.0 Capital Projects and Equipment for the fourth and final installment on the purchase of the 2021 Mack Tractor P1647T.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 132

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

BE IT RESOLVED, That 2023 general claims numbered 2559 through 2572 in the amount of \$45,122.87; 2023 Highway claims numbered 279 through 280 in the amount of \$13,528.49 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. 133

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

BE IT RESOLVED, That 2024 general claims numbered 165 through 301 in the amount of \$67,499.99; 2024 Highway claims numbered 6 through 19 in the amount of \$16,706.52; and 2024 Community Preservation Fund claim numbered 33 in the amount of \$3,200.00 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

At 6:28 p.m., the Supervisor recessed the regular meeting and reconvened the public hearing on Sylvain Pascaud 10 Terry Drive, to relocate mooring number W-3555 from a location in West Neck Bay to a location in Coecles Harbor designated as latitude 41.07453° North and longitude -72.31558° West formally occupied by the Martin Levenstein C-2613 mooring.

The Supervisor called for the report from the Waterways Management Advisory Council, which was as follows: Applicant wishes to relocate his current mooring to location in

Coecles Harbor, coordinates should be adjusted on Online Mooring to match application.

The Supervisor opened the public hearing to all those in favor of or opposition to. There being no further comments, the Supervisor declared the public hearing closed and reconvened the regular Town Board meeting.

RESOLUTION NO. 134

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

WHEREAS, Sylvain Pascaud, 10 Terry Drive, has petitioned the Town of Shelter Island for permission to relocate mooring number W-3555 from a location in West Neck Bay to a location in Coecles Harbor designated as latitude 41.07453° North and longitude -72.31558° West formally occupied by the Martin Levenstein C-2613 mooring, and

WHEREAS, a public hearing was duly held on the 5<sup>th</sup> and 26<sup>th</sup> day of February, 2024, 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.

February 26, 2024 – continued

At 6:34 p.m., the Supervisor opened the meeting to the public. There being no comments, the Supervisor made a motion to adjourn. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

March 18, 2024

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 18<sup>th</sup> day of March, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Albert Dickson and Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately twenty persons were also present.

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

Salute to Flag

Supervisor Brach-Williams opened the meeting to the public to comment on any resolutions not subject to a public hearing. There being no comment, the Supervisor continued the regular meeting.

#### RESOLUTION NO. 135

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

Resolved, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Monday, April 15, 2024, at 6:02 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 133, entitled “Zoning”, to alter the mechanism to exceed the maximum square foot living area for a one family dwelling from a Town Board issued special permit to an area variance and to increase penalties, of which provides as follows:

#### LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 133, entitled “Zoning” to alter the mechanism to exceed the maximum square foot living area for a one family dwelling from a Town Board issued special permit to an area variance 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 the current Town Board special permit process employed to permit one family dwellings to exceed 5,999 square feet of living area is standardless, thus arbitrary. The Board further finds that large homes that are not, in size and mass, in keeping with the character of the community should not be deemed de facto permitted, with the mere procurement of a special permit. Thus, the Town Board has determined that the more appropriate method of reviewing such requests is the area variance which weighs the benefit to the applicant squarely against the burden to the health, safety and welfare that may be suffered by the community. The Zoning Board is thereby best suited, equipped, and statutorily authorized to handle such a review. Further, the Town Board has determined that to ensure compliance therewith enhanced penalties are necessary.

Section 2. Amendment.

Section 133-6(B)(6), 133-6(C)(1)(a) and 133-6(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken words and adding the underlined words:

§133-6. District A (Residential).

B. Bulk Regulations:

(6) The square foot living area of a one-family dwelling shall not be more than 5,999 square feet, ~~be not nor~~ less than 1,200 square feet of which a minimum of 850 square feet must be on the first floor, excluding porches, breezeways, attached garages and basements.

C. Permitted principal uses:

(1) One family dwellings

~~Permitted residential uses:~~

~~(a)~~

~~One family dwellings with a SFLA under 6,000 square feet.~~

~~F. Permitted principal uses requiring a special permit by the Town Board:~~

~~(1)~~

~~One family dwellings and accessory structures with an SFLA of 6,000 square feet or above.~~

Section 3. Amendment.

Section 133-7 (B)(6), 133-7(C)(1)(a) and 133-7(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken words and adding the underlined words:

§133-7. District AA (Residential)

B. Bulk Regulations:

(6) The square foot living area of a one-family dwelling shall not be more than 5,999 square feet, ~~be not nor~~ less than 1,200 square feet of which a minimum of 850 square feet must be on the first floor, excluding porches, breezeways, attached garages and basements.

C. Permitted principal uses:

(1) One-family dwellings

~~Permitted residential uses:~~

~~(a)~~

~~One family dwellings with a SFLA under 6,000 square feet.~~

~~F. Permitted principal uses requiring a special permit by the Town Board:~~

~~(1)~~

~~One family dwellings and accessory structures with an SFLA of 6,000 square feet or above.~~

Section 4. Amendment.

Section 133-10(B)(6), 133-10(C)(1)(a) and 133-10(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken words and adding the underlined words:

§133-10. District C (Residential)

B. Bulk Regulations:

(6) The square foot living area of a one-family dwelling shall not be more than 5,999 square feet, ~~be not nor~~ less than 780 square feet of which a minimum of 600 square feet must be on the first floor, excluding porches, breezeways, attached garages and basements.

C. Permitted principal uses:

(1) One-family dwellings

~~Permitted residential uses:~~

~~(a)~~

~~One family dwellings with a SFLA under 6,000 square feet.~~

~~F.~~

~~Permitted principal uses requiring a special permit by the Town Board:~~

~~(1)~~

~~One family dwellings and accessory structures with an SFLA of 6,000 square feet or above.~~

Section 5. Amendment.

Section 133-38 of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:

§ 133-38 Penalties for offenses.

D.

For a conviction of §133-6(B)(6), §133-7(B)(6), or §133-10(B)(6): by a fine of not less than \$5,000 or up to \$500 per illicit square foot of living area over 5,999 s.f. or by imprisonment not to exceed one year, or both such fine and imprisonment.

E. Each day on which such violation shall occur shall constitute a separate, additional offense.

Section 6. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §267.

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 local law is to transfer the review of large homes from the Town Board, which heretofore utilized an incongruous special permit process lacking guideposts, to the Zoning Board which will treat requests to exceed the maximum square foot living area as an area variance and to increase fines for noncompliance.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 136

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

WHEREAS, certain unpermitted uses are being made at 18 N. Cartwright Road, Shelter Island (S.C.T.M. # 700-15.-4-124);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 Kimber Eaton.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

March 18, 2024 – continued

RESOLUTION NO. 137

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

WHEREAS, certain unsafe conditions exist at 61 Menantic Road, Shelter Island (S.C.T.M. # 700-14.-2-78);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 Susan DeBevoise.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 138

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

BE IT RESOLVED, that the Board hereby ratifies an agreement with former employee Debra Speeches.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 139

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

WHEREAS, pursuant to the Town Board resolutions numbered 455-2002 and 562-2019, the Town Board established fees for removal and storage of vehicles which are deemed illegally parked, abandoned or an obstruction to traffic, and

WHEREAS, it has been requested to increase certain rates, now, therefore

BE IT RESOLVED, that the rates are hereby amended as follows:

Day Tow	(8:00 a.m. – 8:00 p.m.)	\$250.00
Night Tow	(8:00 p.m. – 8:00 a.m.)	\$325.00
Special Circumstances	(variable rate)	\$175/hour

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 140

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

WHEREAS, the Shelter Island Fire Department Ladies Auxiliary has requested permission to hold their Annual Easter Egg Hunt on the corner of Cartwright Road and Burns Road on the property known as ‘Saint Gabriel’s Meadow’ on Saturday, March 30, 2024, with a set up time of 11:00 a.m. and event start time of 1:00 p.m., with a rain date of Sunday, March 31, 2024, now, Therefore

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 141

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

WHEREAS, The term of Peter McCracken as a member of the Board of Assessment Review expired on September 30, 2023, and,

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

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

March 18, 2024 – continued

RESOLUTION NO. 142

Councilman Dyett offered the following resolution, which was seconded by Councilman Dickson, 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 Jonathan Reeves is hereby appointed to serve as a member on the Green Options Committee for a term to expire on October 31, 2026.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 143

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

WHEREAS, a vacancy exists as Committee Clerk for the Town of Shelter Island, and

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

Therefore

BE IT RESOLVED, that Jessica Montgomery is hereby appointed to serve as Provisional Office Assistant to the Committees, effective March 25, 2024, for 40 hours per week with a probationary period of 26 weeks, to be paid as per 2024 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 144

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

BE IT RESOLVED, that Mark Cappellino is hereby appointed to serve as On Call Driver for the Senior Center at the rate of \$24.19 per hour, not to exceed 20 hours per week, effective March 18, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 145

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

WHEREAS, the Office of the State Comptroller recently conducted audit of the Peconic Bay Community Preservation Fund, and

WHEREAS, the conclusion of the audit demonstrates that the funds were properly supported, recorded and deposited in full and that disbursements were proper and supported, and

WHEREAS, no recommendations were issued as a result of the audit, therefore, no Corrective Action Plan is needed, and

WHEREAS, the OSC requires audit response letter approved by the governing body, now, Therefore

BE IT RESOLVED, that the Supervisor is hereby authorized to issue and sign such letter.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 146

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

WHEREAS, the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending February 29, 2024, in the amount of \$51.23, now, Therefore

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to transfer the sum of \$51.23 from the trust and agency account to the general account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

March 18, 2024 – continued

RESOLUTION NO. 147

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$2,450.00 from the Shelter Island Ambulance Foundation, Inc, to the 2024 Ambulance general ledger account A4540.478 for the reimbursement of EPI pens purchased.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 148

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

BE IT RESOLVED, that the following 2024 budget revisions are hereby approved: \$2,918.05 increase to the 2024 A2680 insurance recovery revenue account, to be funded by the reimbursement check from NYMIR for Claim No. TSHI-2024-001-001, and \$2,918.05 increase to the 2024 DA5130.446 Highway Machine Repairs.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 149

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

BE IT RESOLVED, that the following 2023 budget transfers are hereby approved: \$18,000 from A1490.409 Parks and Beaches, \$10,864 from A1490.497 Parks and Beaches Bathroom Maintenance to A1490.200 Public Works Equipment, and \$21,894 from A8160.100PS Landfill personnel services to A8160.200 Landfill Equipment.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 150

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

BE IT RESOLVED, that the following funds are hereby encumbered from 2023, to be expended in 2024 with 2023 funds:

\$28,864.00 from A1490.200 Public Works Equipment for the new beach rake, \$26,894.00 from A8160.200 Landfill Equipment for the new scale house,

\$20,000 from the B8030.486 Water Advisory Committee Salt Water Intrusion Study account for USGS contract;

\$7,652.18 from the A8510.408 Taylor's Island Cabin Repair account for Jason L Shields Inc. cabin repairs;

\$27,903.02 from the A4540.428 Ambulance Communication account for Integrated Wireless Technologies;

\$11,757.09 from the A3120.200 Police Department equipment account for Stryker Medical and Suffolk Security Systems; and

\$7,395.00 from the A3120.400 Police Department maintenance account for Suffolk Security Systems and Chuck's Fiberglass Inc.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 151

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

BE IT RESOLVED, That 2023 general claims numbered 2573 through 2602 in the amount of \$195,425.64; 2023 highway claims numbered 281 through 282 in the amount of \$1,012.15; 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.

March 18, 2024 – continued

RESOLUTION NO. 152

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

BE IT RESOLVED, That 2024 general claims numbered 302 through 501 in the amount of \$168,916.79; 2024 Highway claims numbered 20 through 62 in the amount of \$61,696.15; and 2024 Community Preservation Fund claim numbered 1 in the amount of \$53.32 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:13 p.m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the potential acquisition purchase of 72 & 80 Midway Road, tax map # 700-23-1-33.001 & 33.002, for recreational use and 50% partner with the County of Suffolk.

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

Chairman of the Community Preservation Fund Advisory Committee gave a presentation on the proposed property.

The Supervisor opened the public hearing to all those in favor of or in opposition. There being no comments, the Supervisor closed the public hearing and called to order the public hearing to be held 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 three months”.

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

The Supervisor opened the public hearing to all those in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed and reconvened the regular Town Board meeting.

RESOLUTION NO. 153

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

WHEREAS, pursuant to New York State Law Section 64-e(8) a public hearing was conducted on March 18, 2024, in connection with the potential acquisition, with the County of Suffolk as a 50% partner of 7.1 acres total between South Midway Road and Dickerson Creek, Shelter Island, New York, more specifically identified as Suffolk County Tax Map#: District 700-Section 23- Block 1-Lots 33.001 & 33.002, and

WHEREAS, the total purchase price of the subject parcels is \$3,000,000.00 and the Town's contribution will be \$1,500,00.00, to be paid with Community Preservation Funds;

WHEREAS, the Town Board has determined that this acquisition is the best alternative for the protection of community character of all the reasonable alternatives available to the Town, namely passive recreational use, now, Therefore

BE IT RESOLVED, that the Town Board approves the subject acquisition and Town Supervisor is hereby authorized to sign and or execute any and all documents in connection with the purchase of the property consisting of 7.1 acres total between South Midway Road and Dickerson Creek, Shelter Island, New York, more specifically identified as Suffolk County Tax Map#: District 700-Section 23- Block 1-Lots 33.001 & 33.002, for the protection of community character, specifically the establishment of a perpetual passive recreational area within the Town.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

March 18, 2024 – continued

RESOLUTION NO. 154

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

WHEREAS, a public hearing was duly held on the 18<sup>th</sup> day of March, 2024 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 three months”

LOCAL LAW NO. 2 of 2024

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. Due to the foregoing, the Town Board on December 12, 2023, a public hearing was held to extend the moratorium for an additional six (6) months and after deliberation said extension was adopted, but for three (3) not six (6) months in keeping with the request of the Suffolk County Planning Commission. Said extension became effective on December 21, 2023, when Local Law No. 14 was filed with the Secretary of State. In the interim, the Comprehensive Plan Advisory Committee has steadfastly continued its work toward the completion of the Update but has not yet finished. Despite said incompleteness, the Town subcommittee, for efficiency, has drafted a proposed amendment to the Zoning Code to address concerns with the current review process of large home requests. On February 27, 2024, the Town Board will review the proposed amendment at a regularly scheduled work session. The Town Board anticipates holding a public hearing on same in early April, thus an extension of the subject moratorium is necessary.

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, which was extended to March 21, 2024, via Local Law No. 14 of 2023, is hereby extended for an additional three (3) month period of time from the effective date of same.
- B. Except as otherwise amended herein, all provisions of Local Law No. 5 of 2023 and Local Law No. 14 of 2023 shall be extended for an additional three (3) months through the effective date of same.

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.

March 18, 2024 – continued

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 three (3) months, so that the comprehensive plan may continue to be updated and a public hearing on a proposed large home code amendment can occur, and potentially be adopted, so to provide for a review process in connection with large homes which will ensure that they are in keeping with the character of Shelter Island and do not create excessive environmental harm.

At 6:35 p.m., the Supervisor opened the meeting to the public. There being no comments, the Supervisor made a motion to adjourn. Councilman Dyett seconded. The motion was carried.

Amber Wilson  
Town Clerk

April 15, 2024

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 15<sup>th</sup> day of April, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilman Benjamin Dyett, and Councilwoman Margaret Anne Larsen. Town Clerk Amber Wilson, and approximately seven 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

Supervisor Brach Williams opened the meeting to public comment on any resolutions not subject to a public hearing and stated three resolutions will be pulled from the agenda due to no quorum.

RESOLUTION NO. 155

Councilwoman Larsen offered the following resolution which was seconded by Supervisor 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 Monday, May 6, 2024, at 6:02 p.m. 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 Planning Board to the Town Board, of which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

A LOCAL LAW amending Chapter 129 entitled “Wetlands”, to transfer approval authority from the Planning Board to the Town Board,

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 wetlands of the Town of Shelter Island are a precious resource and as such any construction within 100' of the wetland boundary needs to be reviewed by the Board which is directly answerable to the residents, the Town Board. The Planning Board will revert to serving, along with the Conservation Advisory Council, as a critical advisory body to ensure these applications are fully vetted.

Section 2. Amendment.

Shelter Island Code Chapter 129 (Wetlands), is hereby amended by deleting the stricken words and adding the underlined words as follows:

ARTICLE II  
Permits

§ 129-3. 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.
- 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.

§ 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 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.
- (3) A notice of disapproval issued by the Building Department and the wetlands application form indicating all proposed structures, and the requisite fee, established from time to time by resolution of the Town Board.
- (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 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 Town Board, Planning Board or Conservation Advisory Council.
- (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.
- (6) Current photographs of the proposed site showing proposed project location, current vegetative buffer, and existing sediment/erosion controls.
- (7) Copies of any such application shall be filed with the ~~Planning Board~~ Town Clerk in the number and manner prescribed by the Planning Town Board.
- (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.

B. The applicant shall submit one original and ~~15~~ 20 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 seven copies to the Conservation Advisory Council and ~~two~~ five copies to the Planning Board. Conservation Advisory Council and Planning Board 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 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.

~~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.~~

D. E. The Planning Town Board shall schedule a public hearing on the application with no less than ~~10~~ 30 days' notice, to be given as follows:

(1) Upon receipt of a complete application, and findings or recommendations from the Conservation Advisory Council and Planning Board, or after the requisite timeframe for receipt of same has elapsed pursuant to § 129-4B, the Planning Town Board 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~~ 30 days' prior to the hearing.

(2) In addition, at least ~~10~~ 30 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 which is within 200 feet of the property involved in the application and to any applicable Homeowners Association. 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 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~~ 30 days immediately preceding the public hearing date. The applicant shall file an affidavit with the Planning Town Clerk 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.

E. ~~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.

F. ~~G.~~ 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.

G. ~~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.

H. ~~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.

§ 129-4.1. Causeway wetlands permit regulations.

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

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 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.
- (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.
- (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;  
  
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;
    - [3] 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 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.

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, viewsapes 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.

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.

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 transfer the regulatory authority of the Wetlands permits to the Town Board from the Planning Board.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 156

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett, 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 Monday, May 6, 2024, at 6:04 p.m., 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 dock permits by the Town Board” which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

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

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

Section 1. Legislative Intent.

Due to the increased growth and a spread of development throughout the town, including the requests for docks along Shelter Island’s fragile shoreline and a growing disparity between the Town code, as written, and the needs of our community, the Town Board enacted a three-month moratorium on the acceptance and review of all new and pending dock applications. In accordance therewith, the Town Board charged the Waterways Management Advisory Council (“WMAC”) to review the adequacy of our current dock code and to rewrite same 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. While the WMAC has made great strides toward the completion of its review and redraft of the Dock Code, more time is required. Therefore, it is necessary for the moratorium to be extended to afford sufficient time for the completion of the draft and a public hearing to be had on same.

April 15, 2024 – continued

Section 2. Moratorium Extended Term.

A. Local Law No. 1 of 2024 imposing a three (3) month moratorium requiring that no board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of a dock located within the Town of Shelter Island is hereby extended for an additional three (3) month period of time through August 6, 2024.

B. Except as otherwise amended herein, all of the provisions of Local Law No. 1 of 2024, shall be extended for an additional three (3) month period of time through August 6, 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 dock applications by three months to afford additional time to update the Dock Code.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 157

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

Resolved, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Monday, May 6, 2024, at 6:06 p.m., to hear any and all persons either for or against a local law entitled “A LOCAL LAW adding a new Chapter 67, entitled “Fertilizer”, to regulate the use of fertilizers on the Island, of which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

A LOCAL LAW adding a new Chapter 67, entitled “Fertilizer”, to regulate the use of fertilizers on the Island

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 Island’s sole aquifer is fragile and contains a thinner lens than the rest of the east end, which makes it more susceptible to the harms from fertilizer contamination. Further, fertilizers can combine with nitrates to cause harmful algae blooms as experienced in West Neck Bay, Creek, and Harbor, and Fresh Pond. Therefore, the Town Board has determined

that New York State and Suffolk County fertilizer regulations must be augmented locally to ensure our aquifer and surface waters are protected.

Section 2. Amendment.

The Shelter Island Code is hereby amended by adding a new Chapter 67 to be entitled “Fertilizer” by adding the underlined words as follows:

§ 67-1. Title.

This Chapter shall be known and may be cited as “Fertilizer”.

§ 67-2. Definitions.

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

LAWN FERTILIZER

Any organic or inorganic material of natural or synthetic origin which is added to soil, soil mixtures, or solution to supplement nutrients and is claimed to contain one or more essential plant nutrients. The term “fertilizer does not include compost, nor unmanipulated animal and vegetable manure and agricultural liming materials used to reduce soil acidity.

§ 67-3. Regulation on the use and application.

- A. No person shall apply lawn fertilizer between November 1 and April 1.
- B. No person shall apply lawn fertilizer to any impervious surface, including driveways, parking lots, roadways, and sidewalks.
- C. No person shall apply lawn fertilizer in a manner that causes, permits, or allows fertilizer to enter storm drains or any other man-made stormwater receptacles or channels.
- D. No person shall apply lawn fertilizer to any turf or lawn area within 100 feet of any surface water on any real property.
- E. All landscapers who apply fertilizers must comply with the licensing requirement of Chapter 79, including the possession and display of a valid Suffolk County

Nitrogen Fertilizer Turf Management Certificate.

§ 67-4. Penalties.

Any owner or occupant of real property, tenant, agent, or person who violates any provision of this Chapter shall be guilty of an offense punishable by a fine of at least \$500 and 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(15).

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 15, 2024 – continued

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 the residents and guests of Shelter Island, by protecting the aquifer and surface waters, by imposing stringent regulations on the use of fertilizers on the Island.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 158

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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 Monday, May 6, 2024, at 6:08 p.m., to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 133, entitled “Zoning”, to create a sky plane height restriction “Pyramid Law”, of which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

A LOCAL LAW amending Chapter 133, entitled “Zoning” to create a sky plane height restriction “Pyramid Law”

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

Section 1. Legislative Intent.

The Town Board finds that even though some single-family dwellings, which do not exceed the maximum height, are still inappropriate for the community, in that they overshadow adjoining homes particularly if they are constructed on narrow lots. Thus, the Town Board has determined that to ensure that homes are in keeping with an established neighborhood and do not create negative impacts on their neighbors, an additional height restriction is warranted.

Section 2. Amendment.

Section 133-1 of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:

§133-1. Terms defined; word usage.

Sky Plane

An area which begins at all property lines from the average elevation of the existing natural grade adjacent to that building or structure (prior to site disturbance), and extends inward at an angle of 45 degrees, except for lots located in the “B”, “B-1”, or “C” Zoning Districts whereby the average natural grade shall be augmented by 10’.

Section 3. Amendment.

Section 133-6(B)(7) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:

§133-6. District A (Residential).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 4. Amendment.

Section 133-7(B)(7) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:

§133-7. District AA (Residential).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 5. Amendment.

Section 133-8(B)(5) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken punctuation and adding the underlined words:

§133-8. District B (Business).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 6. Amendment.

Section 133-9(B)(5) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken punctuation and adding the underlined words:

§133-19. District B-1 (Restricted Business).

B. Bulk Regulations.

(5) Building height shall not exceed 35 feet, and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 7. Amendment.

Section 133-10(B)(7) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken punctuation and adding the underlined words:

§133-10. District C (Residential).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 6. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §267.

April 15, 2024 – continued

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 local law is to add a second height limitation to ensure that homes, or other structures, are of an appropriate scale for the surrounding neighborhood and do not loom over adjoining properties.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 159

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett, 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 Monday, May 6, 2024, at 6:10 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 amend parking restrictions at the Town Dock at Bridge Street of which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

A LOCAL LAW amending Chapter 126, entitled “Vehicles and Traffic”, to amend parking restrictions at the Town Dock at Bridge Street

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 additional one-hour parking on the east side of the parking area for the Town Dock at Bridge Street to provide more parking opportunities. Additionally, the Town inadvertently restricted parking on State Route 114 near the Town Dock and as such will repeal same.

Section 2. Amendment.

Section 126-6 of the Shelter Island Code Chapter 108 (Vehicles and Traffic), is hereby amended by adding the underlined words and removing the stricken ones as follows:

§ 126-6. Fire Zones.

No person shall park a vehicle, nor shall the registered owner of a vehicle cause, suffer, allow or permit said vehicle to park within the designated parking area established on the easterly and westerly side of the Town right-of-way at the Town dock at Dering Harbor bordering the westerly side of the designated fire zone for a period in excess of ~~two~~ one hours-between the hours of 8:00 a.m. and 6:00 p.m., at any time that parking permits are in effect.

Section 3. Amendment.

Section 126-8 of the Shelter Island Code Chapter 108 (Vehicles and Traffic), is hereby amended by adding the underlined words and removing the stricken words as follows:

§ 126-8. Parking restrictions.

HH.

~~No person shall park a vehicle, nor shall the registered owner of a vehicle cause, suffer, allow or permit said vehicle to park along Route 114 from the Town Dock on Bridge Street to a point 150 feet south and ending at Verizon pole 11, between the hours of 1:00 a.m. and 5:00 a.m.~~

HHH.

Daniel Lord Road.

[Added 4-12-2019 by L.L. No. 6-2019]

(1) There shall be no parking on Daniel Lord Road except in the Town-owned right-of-way, which shall be indicated with appropriate signage.

(2) No person shall park a motor vehicle or motorcycle on Daniel Lord Road unless that vehicle shall display a valid and current Shelter Island Town parking permit.

[Amended 5-28-2021 by L.L. No. 5-2021]

(3) Said parking permits are required 24 hours per day, year long, and shall be displayed on the left rear bumper of a motor vehicle and the rear mudguard of a motorcycle.

HHI.

Bootlegger's Alley.

[Added 9-11-2020 by L.L. No. 6-2020; amended 5-28-2021 by L.L. No. 5-2021]

(1) No person shall park a motor vehicle or motorcycle along the waterfront on Bootlegger's Alley and on the southeastern side of Bootlegger's Alley from the beachfront running east (landward) for 160 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(2) No person shall park a motor vehicle or motorcycle on the northwest side of Bootlegger's Alley commencing 100 feet from the beachfront running east (landward) for 335 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(3) No person shall park a motor vehicle or motorcycle on the northwest side of Bootlegger's Alley commencing 30 feet from the intersection with Nostrand Parkway running west (seaward) for 290 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(4) There shall be no parking at any other location on Bootlegger's Alley at any time that parking permits are in effect.

(5) There shall be no parking on Brander Parkway or West Neck Road within 50 feet of the intersection with Bootlegger's Alley.

(6) There shall be no parking within six feet of any driveway or intersection on Bootlegger's Alley at any time.

(7) There shall be no double parking anywhere on Bootlegger's Alley at any time.

KKJJ.

Congdon Road.

[Added 5-28-2021 by L.L. No. 5-2021]

(1) There shall be no parking on the northern side of Congdon Road from the shoreline running west (landward) for 60 feet at any time that parking permits are in effect.

(2) There shall be no parking on the southern side of Congdon Road from the shoreline running west (landward) for 90 feet.

(3) No person shall park a motor vehicle or motorcycle on the southern side of Congdon Road commencing 90 feet west from the shoreline running west (landward) for 150 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(4) The area on the northern side of Congdon Road commencing 60 feet west from the shoreline running west (landward) for 90 feet shall be reserved for permitted trailer parking.

LLK.

Crab Creek Road.

[Added 5-28-2021 by L.L. No. 5-2021]

(1) There shall be no parking on either side of Peconic Avenue within 100 feet northwest of the intersection with Crab Creek Road at any time that parking permits are in effect.

(2) There shall be no parking on the northern side of Peconic Avenue within 100 feet southeast of the intersection with Crab Creek Road at any time that parking permits are in effect.

(3) There shall be no parking on either side of Crab Creek Road within 50 feet northeast of the intersection with Peconic Avenue at any time that parking permits are in effect.

(4) No person shall park a motor vehicle or motorcycle on the northern side of Peconic Avenue within 100 feet of the intersection with Crab Creek Road unless that vehicle shall display a valid and current Shelter Island Town parking permit.

MML.

Hiberry Lane.

[Added 5-28-2021 by L.L. No. 5-2021]

(1) No person shall park a motor vehicle or motorcycle on the northwest side of Hiberry Lane commencing 100 feet from the shoreline running southwest (landward) for 100 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(2) No person shall park a motor vehicle or motorcycle on the southeast side of Hiberry Lane commencing from the shoreline running southwest (landward) for 85 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(3) There shall be no parking on the northwest side of Hiberry Lane commencing from the shoreline running southwest (landward) for 100 feet at any time that parking permits are in effect.

(4) There shall be no parking on Hiberry Lane between Point Lane and Dinah Rock Road at any time that parking permits are in effect.

(5) There shall be no parking on either side of Point Lane within 50 feet of the intersection with Hiberry Lane at any time that parking permits are in effect.

(6) There shall be no parking on the northeastern side of Dinah Rock Road within 50 feet of the intersection with Hiberry Lane at any time that parking permits are in effect.

NNMM.

Reel Point.

[Added 5-28-2021 by L.L. No. 5-2021]

(1) There shall be no parking on the eastern side of Club Drive commencing from the shoreline running north (landward) for 235 feet at any time that parking permits are in effect.

(2) No person shall park a motor vehicle or motorcycle on the western side of Club Drive commencing from the shoreline running north (landward) for 200 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

OO NN.

South Ferry Hills.

[Added 5-28-2021 by L.L. No. 5-2021]

(1) There will be no parking on the northern side of the Town Landing.

(2) There shall be no parking on the southern side of the Town Landing commencing at the western edge of the Town Landing and continuing 40 feet eastward toward Thompson Road

(3) No person shall park a motor vehicle or motorcycle on the southern side of the Town Landing commencing 40 feet east of the western edge of the Town Landing and continuing 60 feet eastward toward Thompson Road unless that vehicle shall display a valid and current Shelter Island Town parking permit.

POO.

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 feet east from the stop sign at Manwaring Road and North Ferry Road.

[Added 4-4-2023 by L.L. No. 2-2023]

QPP.

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 Road (Shelter Island Town Emergency Medical Service Building).

[Added 4-4-2023 by L.L. No. 2-2023]

RRQQ.

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 four 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 feet west from the stop sign at West Neck Road and New York Avenue on the south side of West Neck Road; 100 feet 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 feet on the east and west sides of New York Avenue from the West Neck Road and New York Avenue Intersection.

[Added 4-4-2023 by L.L. No. 2-2023]

**SSRR.**

No person shall park a motor vehicle or motorcycle directly opposite Verizon Pole Number 7, 286 feet northwest on the east side of South Ram Island Drive.

[Added 4-4-2023 by L.L. No. 2-2023]

**Section 4. Authority.**

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

**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 reorganize the Bridge Street Town Dock parking area to create more parking opportunities and repeal certain parking regulations on Route 114, adjoining said area, as the Town may not regulate State Highways without State approval.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 160**

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

WHEREAS, the Town is seeking to remediate Fresh Pond (S.C.T.M.#700-19-1-106) a Town property;

WHEREAS, in furtherance thereof the Town is seeking to remove certain vegetation therefrom which releases toxic substances which may be harmful to humans;

WHEREAS, the Town has applied for a NYS DEC Freshwater Wetlands Permit to conduct such removal;

WHEREAS, the proposed action is an Unlisted Action pursuant to SEQRA;

WHEREAS, since the Town is undertaking an uncoordinated review of the subject action, it has prepared a short form EAF and as lead agency, through the Town Engineer, reviewed same pursuant to 6 NYCRR Part 617 to determine whether the action would cause a significant adverse impact on the environment; and now therefore be it

RESOLVED, that the Town Board, based on a thorough review of the subject EAF and the potential areas of environmental concern hereby makes a negative determination of environmental significance (negative declaration) on the harvesting of the toxic vegetation in Fresh Pond; and be it further

RESOLVED, the Town Board determined that an environmental impact statement (EIS) will not be required.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

April 15, 2024 – continued

RESOLUTION NO. 161

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

WHEREAS, Kayak Shelter Island LLC c/o Adam Mills has filed an application to conduct business on Town property for 2024 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, 2024.
- D. The hours of operation cannot exceed 9 am to sunset.
- 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 RESOLVED, that the Town of Shelter Island reserves the right to revoke this permit at its discretion; and

BE IT FURHTER RESOLVED, that storing equipment on the Town properties is prohibited.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 162

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

WHEREAS, Stars on Wheels, LLC c/o Pepe Martinez, has filed an application to conduct business on Town property for 2024 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 of Wheels, LLC 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 May 24 and September 2, 2024.
- 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 licensee shall adhere to Vehicle & Traffic Law, Section 1225 (b).
- M. The licensee shall utilize generator that is under 65Db from a distance of 25.’
- N. The licensee shall obtain operating permit from the Town of Shelter Island Building Department.
- O. 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: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

#### RESOLUTION NO. 163

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

WHEREAS, Between the Forks LLC d/b/a The Islander has filed an application to conduct business on Town property for 2024 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 Between the Forks LLC d/b/a The Islander That 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 27 and September 2, 2024.
- 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.
- 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.
- K. The licensee shall provide SCDHS food truck permit.
- L. The licensee possesses all other necessary Federal, State and County licenses.
- M. The licensee shall adhere to Vehicle & Traffic Law, Section 1225 (b).
- N. The licensee shall utilize generator that is under 65dB from a distance of 25’.
- O. The licensee shall obtain operating permit from the Town of Shelter Island Building Department.

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.

April 15, 2024 – continued

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 164

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

WHEREAS, Ride Shore LLC c/o John Eicher and David Witzke, has filed an application to conduct business on Town property for 2024 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. Proposed tent shall be removed at the end of each day
- 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 area of business beach set up cannot be larger than 20'x20'
- E. The requested tent cannot be larger than 10'x10'
- F. The business operation shall not exceed the period between May 17 and September 15, 2024
- G. There shall be no parking spot guaranteed in connection with this application
- H. The licensee shall not cone off parking spot at any time
- I. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business
- J. The disposal of this trash shall be different than receptacles provided by the Town at the beaches
- K. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker; and
- L. The licensee possesses all other necessary Federal, State and County licenses
- 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; 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: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 165

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

WHEREAS, Venture Out c/o Matthew Stromberg, has filed an application to conduct business on Town property for 2024 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 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 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, 2024
- D. The hours of operation cannot exceed 7 am to 8 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 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: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 166

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

WHEREAS, Bon Spa c/o Alexandre Roy, has filed an application to conduct business on Town property for 2024 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 outlined in the application, subject to the following conditions:

- A. The business shall be placed in the location as outlined in the application, with modification outlined in point G.
- 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 17 and September 9, 2024.
- 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 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.
- 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 possesses all other necessary Federal, State and County licenses.
- N. 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: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

April 15, 2024 – continued

RESOLUTION NO. 167

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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 Schuyler Needham is hereby appointed to serve as a member of the Waterways Management Advisory Council for the Town of Shelter Island for a term to expire on April 15, 2027.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 168

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

BE IT RESOLVED, that Heather Fundora is hereby appointed to serve as On Call Driver for the Senior Center at the rate of \$24.19 per hour, not to exceed 20 hours per week, retroactive to March 27, 2024.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 169

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

WHEREAS, a vacancy exists as Assessment Aide for the Town of Shelter Island, and WHEREAS, The Town Board has advertised for and interviewed applicants, now,

Therefore

BE IT RESOLVED, that Laurel Hardy is hereby appointed to serve as Provisional Assessment Aide for the Assessor's Office, effective April 22, 2024, for 30 hours per week with a probationary period of 26 weeks, to be paid as per 2024 budget.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 170

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

BE IT RESOLVED, that Michelle Congdon is hereby appointed to serve as part-time court clerk at the rate of \$27.15 per hour for the year of 2024, retroactive to January 1, 2024.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 171

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

BE IT RESOLVED, that the Supervisor is hereby authorized to sign any and all documents in connection with the retainer agreement between the Town of Shelter Island and VanBrunt, Juzwiak & Russo, P.C., professional services for the Community Housing Board.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 172

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

BE IT RESOLVED, that the Supervisor is hereby authorized to sign any and all documents in connection with the retainer agreement between the Town of Shelter Island and Peter Johnson for the 2024 tax certiorari legal proceedings.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

April 15, 2024 – continued

RESOLUTION NO. 173

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

BE IT RESOLVED, That the Supervisor is hereby authorized to execute the agreement and expend the sum of \$1,100.00 in connection with the preparation of the GASB 73 Volunteer Ambulance award program, fiscal year ending in 2023, between the Town of Shelter Island and Penflex Service Awards.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 174

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

BE IT RESOLVED, that the Supervisor is hereby authorized to deposit the sum of \$138.38 from Northern Safety & Industrial to the Highway Departments general ledger account DA2701, for a duplicate payment in the year of 2023.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 175

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

BE IT RESOLVED, that the Supervisor is hereby authorized to deposit the sum of \$3,208.26 from the Shelter Island Ambulance Foundation, INC, to the 2024 Ambulance general ledger account A4540.408 for the reimbursement of Staples order purchase.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 176

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$200.00 from the A3120.491 PD contracts account to iconectiv, LLC.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 177

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$2,955.00 from the A3120.491 PD contracts accounts to At-Scene, LLC for the yearly subscription of iCrimeFighter from April 24, 2024 – April 25, 2025.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 178

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

BE IT RESOLVED, That 2024 general claims numbered 502 through 698 in the amount of \$159,893.19; 2024 Highway claims numbered 63 through 77 in the amount of \$68,455.43; and 2024 Community Preservation Fund claims numbered 2 through 3 in the amount of \$4,000.00 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: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

At 6:31 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 133, entitled “Zoning”, to alter the mechanism to exceed the maximum square foot living area for a one family dwelling from a Town Board issued special permit to an area

April 15, 2024 – continued

variance and to increase penalties.

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

Town Attorney Stephen Kiely explained the changes of the proposed Local Law.

The Supervisor opened the public hearing to all of those in favor of or in opposition of the proposed Local Law. Members of the public asked for clarification regarding accessory buildings and stated they were in support of the proposed Local Law. There being no further comments, the Supervisor declared this public hearing closed and reconvened the regular Town Board meeting.

The Supervisor opened the meeting to the public. A member of the community questioned about the town landing located at Middle Harbor Road and the floating docks located at said location. There being no further comments, the Supervisor made a motion to adjourn. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

April 30, 2024

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 30<sup>th</sup> day of April, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilman Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately three persons were also present. Councilman Dickson was present via zoom. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 1:56 p.m.

#### RESOLUTION NO. 179

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

WHEREAS, Mehmet Cevher, has filed an application to conduct business on Town property for 2024 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 Cevher 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 September 20, 2024

B. The hours of operation on Town property cannot exceed 9 am to 7 pm

C. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business

D. The disposal of this trash shall be different than receptacles provided by the Town at the beaches

E. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker; and

F. The licensee shall obtain beach parking permit to park at the Town beaches

- G. There shall be no parking spot guaranteed in connection with this application
- H. The licensee shall not cone off parking spot at any time
- I. The licensee shall park on the West side of the Wades Beach parking lot
- J. The licensee shall adhere to Vehicle & Traffic Law, Section 1225 (b)
- K. The licensee is not allowed to conduct business at Crescent Beach
- L. 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.

Roll Call Vote:

Councilman Dyett: Aye  
Councilman Dickson: Aye  
Councilwoman Larsen: Aye  
Supervisor Brach-Williams: Recused

3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 180

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

WHEREAS, Tuck Shop c/o John Sieni has filed an application to conduct business on Town property for 2024 summer season, and

WHEREAS, the nature of the business is to resell pre-packed ice cream and non-alcoholic beverages out of a Ford Transit 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 Tuck Shop 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 24 and October 12, 2024

B. The hours of operation on Town property cannot exceed 9 am to 7 pm

C. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business

D. The disposal of this trash shall be different than receptacles provided by the Town at the beaches

E. The licensee is limited to sell only products outlined in the application

F. The licensee shall submit Business Certificate, DBA Certificate or NYS LLC Certificate

G. The licensee shall submit Tax ID Certificate

H. No alcoholic beverages, clothing, accessories or similar retail items shall be sold in connection with this permit on Town property

I. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker; and

J. The licensee shall obtain beach parking permit to park at the Town beaches

K. There shall be no parking spot guaranteed in connection with this application

L. The licensee shall not cone off parking spot at any time

M. The licensee shall park only on the Northwest side of the Wades Beach parking lot adjacent to the grass sand area of the bocce ball courts

N. At the Crescent Beach, the licensee shall park only within the designated area at the West end of the beach

O. The licensee shall adhere to Vehicle & Traffic Law, Section 1225 (b)

P. The licensee shall remain in one area only sixty minutes of at given time

Q. 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.

Roll Call Vote:

Councilman Dyett: Aye  
Councilman Dickson: Aye  
Councilwoman Larsen: Aye  
Supervisor Brach-Williams: Recused

April 30, 2024 – continued

3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 181

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

WHEREAS, KPops c/o Karen Garcia Springer, has filed an application to conduct business on Town property for 2024 summer season, and

WHEREAS, the nature of the business is to resell pre-packed organic non-alcoholic drinks, Kombucha, bottled water and pre-packed 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, 2024
- B. The hours of operation on Town property cannot exceed 9 am to 7 pm
- C. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business
- D. The disposal of this trash shall be different than receptacles provided by the Town at the beaches
- E. The licensee is limited to sell products outlined in the application
- F. The licensee shall submit Business Certificate, DBA Certificate or NYS LLC Certificate
- G. The licensee shall submit Tax ID Certificate
- H. No alcoholic beverages, clothing, accessories or similar retail items shall be sold in connection with this permit on Town property
- I. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker; and
- J. The licensee shall obtain beach parking permit to park at the Town beaches 3
- K. There shall be no parking spot guaranteed in connection with this application
- L. The licensee shall not cone off parking spot at any time
- M. The licensee shall park only on the Northwest side of the Wades Beach parking lot adjacent to the grass sand area of the bocce ball courts
- N. At the Crescent Beach, the licensee shall park only within the designated area at the West end of the beach
- O. The licensee shall adhere to Vehicle & Traffic Law, Section 1225 (b)
- P. The licensee shall remain in one area only sixty minutes of at given time
- Q. 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

Roll Call Vote:

Councilman Dyett: Aye  
Councilman Dickson: Aye  
Councilwoman Larsen: Aye  
Supervisor Brach-Williams: Recused

3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 182

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

WHEREAS, The Beach House LLC c/o Adrien Angelvy, has filed an application to conduct business on Town property for 2024 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.

Roll Coll Vote:

Councilwoman Larsen: Aye

Councilman Dyett: Aye

Councilman Dickson: Aye

Supervisor Brach-Williams: Aye

4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 183

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett, 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 individual in following amounts are adjusted per Town Board Resolution No. 316 on August 8, 2023 as follows:

Authorized	Name	Original Rebate	Updated rebate
11/31/2023	Nicole & Robert Waldbaumer	\$12,000	\$16,000 (Well)

Roll Call Vote:

Councilman Dyett: Aye

Councilman Dickson: Aye

Supervisor Brach-Williams: Aye

Councilwoman Larsen: Recused

3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

April 30, 2024 – continued

RESOLUTION NO. 184

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

WHEREAS, Charles and Linda Kraus, 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 34 Hilo 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 16,000.00 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 \$16,000.00 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.

Roll Call Vote:

Councilman Dyett: Aye

Councilman Dickson: Aye

Supervisor Brach-Williams: Aye

Councilwoman Larsen: Recused

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of the Supervisor and seconded by Councilman Dyett, the Special Meeting was closed at 2:07 p.m. The motion was carried.

Amber Wilson  
Town Clerk

May 6, 2024

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 6<sup>th</sup> day of May, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Benjamin Dyett and Albert Dickson, Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately thirteen persons were also present.

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

Salute to flag

Supervisor Brach Williams opened the meeting to public comment on any resolutions not subject to a public hearing.

A member of the public questioned the approval process of Outdoor Assembly applications.

May 6, 2024 – continued

RESOLUTION NO. 185

Councilman Dickson 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 Monday, June 3, 2024, at 6:02 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 109 entitled “Site Plan Review”, to expand the applicability of site plan review, of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 109 entitled “Site Plan Review”, to expand the applicability of site plan review,

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 current applicability of site plan review is too narrow, as it only applies to businesses, and does not capture other uses that may have parking, lighting, loading, and density impacts that are more intense than that of a dwelling or accessory thereto. In order to protect the health, safety, and welfare of the community the trigger for site plan must be expanded so these nonresidential uses can be properly vetted and situated.

Section 2. Amendment.

Shelter Island Code Chapter 109 (Site Plan Review), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§109-2. Applicability.

A. When required. This chapter shall apply to any and a site plan review shall be required, when any business land use that is permitted pursuant to Chapter 133 of the Town Code, except a single-family or two-family home use, on a single and separate lot, and customary accessory uses thereto when: of the within the Town of Shelter Island:

(1) ~~Commences operation~~ The use is commenced; or

(2) The use is ~~is~~ significantly changed, altered, or expanded, or the intensity increased ~~changes, alters or expands their use or intensity of use of premises~~ in a manner that will significantly affect the characteristics of the site as outlined in § 109-3A; or

(3) ~~One Applies~~ for a building permit for any use, building or structure, except the single-family or two-family home use on a single and separate lot, customary accessory uses to single-family or two-family residential home use as stated in the Town Code.

Section 3. Authority.

The proposed local law is enacted pursuant to Town Law §274-a and 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.

May 6, 2024 – continued

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 nonresidential uses are required to have site plan approval so as to ensure that such uses are conducted in a manner that is compatible with, and does not detrimentally impact, the surrounding community.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 186

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

WHEREAS, Karen Feuer, 142G North Ferry Road, has requested an exemption from the dock moratorium on the processing and approval of new dock permits by the Town Board, now, therefore

BE IT RESEOVLED, a public hearing shall be held on Monday, June 3, 2024, at 6:04 p.m., prevailing time 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. 187

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

WHEREAS, The Menantic Creek Keepers, appeared in front of the Water Quality Improvement Advisory Board to make an application for funding the “Menantic Creek Water Quality Study Project”, in the amount of \$2,800.00 for the 3<sup>rd</sup> monitoring site equipment and replacement of DO Sensor Caps for sites 1 & 2, now, therefore

BE IT RESOLVED, that a public hearing shall be held on Monday, June 3, 2024, at 6:06 p.m., prevailing time for the purpose of determining whether to utilize WQI funds for the costs associated with the project.

Vote 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 188

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

WHEREAS, Richard Coles, 36 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.08013° north and longitude 72.30123° 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 6:08 p.m., prevailing time, on Monday, June 3, 2024, 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. 189

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

WHEREAS, John Kotula, 37 Smith Street, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.066882° north and longitude 72.310762° west, now, therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter

May 6, 2024 – continued

Island, a public hearing will be held at 6:10 p.m., prevailing time, on Monday, June 3, 2024, 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: 3 in favor 0 opposed 1 abstain (Councilman Dyett)

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 190

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

WHEREAS, a public hearing was duly held on the 15<sup>th</sup> day of April, 2024, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled “A LOCAL LAW amending Chapter 133, entitled “Zoning”, to alter the mechanism to exceed the maximum square foot living area for a one family dwelling from a Town Board issued special permit to an area variance and to increase penalties, of which provides as follows:

#### LOCAL LAW NO. 3 of 2024

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 current Town Board special permit process employed to permit one family dwellings to exceed 5,999 square feet of living area is standardless, thus arbitrary. The Board further finds that large homes that are not, in size and mass, in keeping with the character of the community should not be deemed de facto permitted, with the mere procurement of a special permit. Thus, the Town Board has determined that the more appropriate method of reviewing such requests is the area variance which weighs the benefit to the applicant squarely against the burden to the health, safety and welfare that may be suffered by the community. The Zoning Board is thereby best suited, equipped, and statutorily authorized to handle such a review. Further, the Town Board has determined that to ensure compliance therewith enhanced penalties are necessary.

##### Section 2. Amendment.

Section 133-6(B)(6), 133-6(C)(1)(a) and 133-6(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken words and adding the underlined words:

§133-6. District A (Residential).

##### B. Bulk Regulations:

(6) The square foot living area of a one-family dwelling and any conditioned accessory structures shall not be more than 5,999 square feet, ~~be not~~ nor less than 1,200 square feet of which a minimum of 850 square feet must be on the first floor, excluding the following unconditioned structures: porches, breezeways, attached garages and basements.

##### C. Permitted principal uses:

(1) One family dwellings

~~Permitted residential uses:~~

~~(a)~~

~~One family dwellings with a SFLA under 6,000 square feet.~~

~~F. Permitted principal uses requiring a special permit by the Town Board:~~

~~(1)~~

~~One family dwellings and accessory structures with an SFLA of 6,000 square feet or above.~~

Section 3. Amendment.

Section 133-7 (B)(6), 133-7(C)(1)(a) and 133-7(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken words:

§133-7. District AA (Residential)

B. Bulk Regulations:

(6) The square foot living area of a one-family dwelling and any conditioned accessory structures shall not be more than 5,999 square feet, ~~be not~~ nor less than 1,200 square feet of which a minimum of 850 square feet must be on the first floor, excluding the following unconditioned structures: porches, breezeways, attached garages and basements.

C. Permitted principal uses:

(1) One-family dwellings

~~Permitted residential uses:~~

~~(a)~~

~~One family dwellings with a SFLA under 6,000 square feet.~~

F. Permitted principal uses requiring a special permit by the Town Board:

~~(1)~~

~~One family dwellings and accessory structures with an SFLA of 6,000 square feet or above.~~

Section 4. Amendment.

Section 133-10(B)(6), 133-10(C)(1)(a) and 133-10(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken words:

§133-10. District C (Residential)

B. Bulk Regulations:

(6) The square foot living area of a one-family dwelling and any conditioned accessory structures shall not be more than 5,999 square feet, ~~be not~~ nor less than 1,200 square feet of which a minimum of 850 square feet must be on the first floor, excluding the following unconditioned structures: porches, breezeways, attached garages and basements.

C. Permitted principal uses:

(1) One-family dwellings

~~Permitted residential uses:~~

~~(a)~~

~~One family dwellings with a SFLA under 6,000 square feet.~~

~~F.~~

~~Permitted principal uses requiring a special permit by the Town Board:~~

~~(1)~~

~~One family dwellings and accessory structures with an SFLA of 6,000 square feet or above.~~

Section 5. Amendment.

Section 133-38 of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:



May 6, 2024 – continued

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 0 opposed 1 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 193

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Suffolk County for the Nutrition Program for the Elderly with a term of January 1, 2024 through December 31, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 194

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Suffolk County for the Youth Bureau Recreation Program with a term of January 1, 2024 through December 31, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 195

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

BE IT RESOLVED, that Supervisor or their designee is hereby authorized to sign the agreement with Public Sector HR Consultants LLC and submit a payment of \$2,500 to update and amend Town of Shelter Island Employee Handbook.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 196

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

BE IT RESOLVED, that Thomas Hungden is hereby appointed to serve as On Call As Needed Driver for the Senior Center for the year of 2024 at the rate of \$24.19 per hour, not to exceed 20 hours per week, starting May 7, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 197

Councilman Dickson offered the following resolution, which was second by Councilwoman Larsen, to wit:

WHEREAS, the term of Keith Clark and Kevin Sanwald as members of the Taylors Island Preservation and Management Committee expired on January 17, 2024, and

WHEREAS, Mr. Clark and Mr. Sanwald have expressed willingness to continue to serve in said capacity, now, therefore

BE IT RESOLVED, that Keith Clark and Kevin Sanwald are hereby reappointed to serve as members of the Taylors Island Preservation and Management Committee for a term to expire on January 17, 2027.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

May 6, 2024 – continued

RESOLUTION NO. 198

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

WHEREAS, the term of Joseph Denny as a member of the Community Preservation Fund Advisory Board expired on February 2, 2024, and

WHEREAS, Mr. Denny has expressed willingness to continue to serve in said capacity, now, therefore

BE IT RESOLVED, that Joseph Denny is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2027.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 199

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

BE IT RESOLVED, that Julia Weisenberg is hereby appointed to serve as Recreational Specialist for the year of 2024 to be paid at a rate of \$30.00 per hour, retroactive to May 4, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 200

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

BE IT RESOLVED, that Rosie Hanley is hereby appointed to serve as Recreation Aide for the year of 2024 to be paid at a rate of \$17.00 per hour, retroactive to May 4, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 201

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

WHEREAS, pursuant to Chapter 33 of the Shelter Island Town Code, Shelter Island Run, Inc/Elite Feats, Inc have requested permission as per application, to hold the annual Shelter Island 10K Run and the 5K Run/Walk on Shelter Island on Saturday, June 15, 2024, from 10:00 a.m. to 9:00 p.m., at the Shelter Island American Legion Post, Shelter Island School, and Fiske Field; and

WHEREAS, the required fees 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, said applicant has requested an exemption from the Noise Ordinance, and

WHEREAS, the Police Department has responded that they are prepared to assist with this event as they have done in the past, and

WHEREAS, the Superintendent of Highways responded that if there are any markings on the street, they must be washable, and any signage removed immediately after the race, and the Highway Department will coordinate any details with the racing committee, now, Therefore

BE IT RESOLVED, That the Town Board does hereby approve the event.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 202

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the sum of \$3,982.53 to the Shelter Island Yacht Club for the overpayment of mooring renewals.

Vote: 3 in favor 0 opposed 1 Abstain (Councilman Dyett)

May 6, 2024 – continued

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 203

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

BE IT RESOLVED, that the following funds are hereby encumbered from the 2023 budget to be expended in 2024 with 2023 funds, to wit:

\$1,796.59 from the A1410.200 Town Clerk Equipment account for the purchase of a Dell Latitude 7640.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 204

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

BE IT RESOLVED, That 2024 general claims numbered 699 through 842 in the amount of \$92,171.50; 2024 Highway claims numbered 78 through 97 in the amount of \$16,263.13; and 2024 Community Preservation Fund claim number 4 in the amount of \$10.36; 2024 Water Quality Improvement Fund claim number 5 in the amount of \$10.36 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

At 6:26 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 129 entitled “Wetlands”, to transfer approval authority from the Planning Board to the Town Board”.

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

The Supervisor called for any correspondence to be read aloud, which was as follows:

1. A Letter from Julia Weisenberg and Lois Cohen regarding the transfer of authority.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some members of the public expressed views either for or against the proposed Local Law.

At 6:50 p.m., the Supervisor declared this public hearing closed and called to order the public hearing on the proposed Local Law entitled “A Local Law to extend the 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 Supervisor called for any correspondence to be read aloud:

No correspondence was received regarding proposed dock moratorium.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Town Attorney Stephen Kiely stated that he appeared in front of the Suffolk County Planning Commission to convey to process of requested moratorium which they support and approve.

There being no further comments, the Supervisor declared this hearing closed and called to order the hearing to be held as advertised on the proposed Local Law entitled “A Local Law adding a new Chapter 67, entitled “Fertilizer”, to regulate the use of fertilizers on the Island”.

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

May 6, 2024 – continued

The Supervisor called for any correspondence to be read aloud, which was as follows:

1. A letter from Pam Dem regarding the proposed Local Law.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some members of the public expressed view either for or against the proposed Local Law. There being no further comments, the Supervisor declared the public hearing closed but open to written comment until May 17, 2024.

At 7:18 p.m., the Supervisor called to order the public hearing to be held as advertised on the proposed aw Law entitled “A Local Law amending Chapter 133, entitled “Zoning”, to create a sky plane height restriction “Pyramid Law”.

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

The Supervisor called for any correspondence to be read aloud:

No correspondence was received regarding proposed Local Law.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comment, the Supervisor declared the pubic hearing closed and 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”, to amend parking restrictions at the Town Dock at Bridge Street”.

The Supervisor called for any correspondence to be read aloud:

No correspondence was received regarding proposed Local Law.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. A question was raised regarding the proposed restrictions. There being no further comments, the Supervisor declared this public hearing closed and reconvened the regular Town Board meeting.

#### RESOLUTION NO. 205

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

WHEREAS , a public hearing was duly held on the 6<sup>th</sup> day of May, 2024, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled “A LOCAL LAW to extend the moratorium on the processing and approval of dock permits by the Town Board” which provides as follows:

#### LOCAL LAW NO.4 of 2024

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

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

#### Section 1. Legislative Intent.

Due to the increased growth and a spread of development throughout the town, including the requests for docks along Shelter Island’s fragile shoreline and a growing disparity between the Town code, as written, and the needs of our community, the Town Board enacted a three-month moratorium on the acceptance and review of all new and pending dock applications. In accordance therewith, the Town Board charged the Waterways Management Advisory Council (“WMAC”) to review the adequacy of our current dock code and to rewrite same 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. While the WMAC has made great strides toward the completion of its review and redraft of the Dock Code, more time is required.

Therefore, it is necessary for the moratorium to be extended to afford sufficient time for the completion of the draft and a public hearing to be had on same.

Section 2. Moratorium Extended Term.

A. Local Law No. 1 of 2024 imposing a three (3) month moratorium requiring that no board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of a dock located within the Town of Shelter Island is hereby extended for an additional three (3) month period of time through August 6, 2024.

B. Except as otherwise amended herein, all of the provisions of Local Law No. 1 of 2024, shall be extended for an additional three (3) month period of time through August 6, 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 dock applications by three months to afford additional time to update the Dock Code.

Vote: 4 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 adjourn the regular meeting. Councilman Dyett seconded. The motion was carried.

Amber Wilson  
Town Clerk

May 7, 2024

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 7<sup>th</sup> day of May, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk 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 2:55 p.m.

RESOLUTION NO. 206

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

WHEREAS, Natasha Khrolenko, of BaM Productions, INC, 27-28 Thomson Ave, Long Island City, NY 11101, has request a filming permit for Monday, May 13, 2024, at 52 Peconic Avenue from 8:00 a.m. to 7:00 p.m., and

WHEREAS, the filming crew consists of 30 persons, 1 motorhome, 2 16' cube trucks, 2 sprinter vans and 3 personal vehicles, and

WHEREAS, the required documents and fees have been submitted, and

WHEREAS, said application has been reviewed by the Highway Department and advised there must not be aby 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.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 207

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the contract between the Town of Shelter Island and Suffolk County for the AAA Transport Program for a term of January 1, 2024 – December 31, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 208

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the contract between the Town of Shelter Island and Suffolk County for the Residential Repair Program for a term of January 1, 2024 – December 31, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

At 2:57, the Supervisor mad a motion to close the Special Meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

May 14, 2024

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 14<sup>th</sup> day of May, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett and Councilwoman Margaret Anne Larsen and approximately eight persons were also present. Town Attorney Stephen Kiely and Town Clerk Amber Wilson were present via zoom. All Town Board members signed a waiver of notice.

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

In dedication to the five year anniversary of National Decency Day, Supervisor Brach-Williams read the following Proclamation:

***Proclamation***

*Town of Shelter Island, wishes to proclaim a Day of Decency*

*WHEREAS, we recognize that a fundamental tenet of civil discourse, whether on a local, state or national level, is the understanding of and respect for the differences that should exist in a democracy and that basic Decency in conduct encourages understanding and respect, by this*

*proclamation we endeavor to encourage Decency in our community;*

*WHEREAS, we encourage every citizen to strive to personify Decency in both conduct and conversation, setting examples for our schools, local businesses and all community affiliations;*

*WHEREAS, all citizens of our community aspire to uphold Decency the basic standard of civility that all Americans deserve;*

*NOW, THEREFORE, be it resolved that the Town Of Shelter Island, hereby proclaims May 14<sup>th</sup>, 2024 Day of Decency in conjunction with National Decency Day and will proudly wear and display the Decency buttons and stickers on that, and every day.*

*IN WITNESS WHEREOF I hereunto set my hand and cause the Seal of the Town Of Shelter Island, to be herein affixed.*

*Amber Brach Williams, Supervisor  
Margaret Anne Larsen, Councilwoman  
Albert Dickson, Councilman  
Benjamin Dyett, Councilman*

At 1:03 p.m., the Supervisor made a motion to close the Special Meeting. Councilman Dyett seconded. The motion was carried.

Amber Wilson  
Town Clerk

June 3, 2024

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 3<sup>rd</sup> day of June, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilwoman Margaret Anne Larsen, Councilmen Benjamin Dyett and Albert Dickson. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately fourteen persons were also present.

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

Salute to Flag

RESOLUTION NO. 209

Councilman Dickson 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 Monday June 24,2024, at 6:02 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amend Chapter 106, entitled “Rights-of-Way”, to include the regulation of sidewalks, of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 106, entitled “Rights-of-Way”, to regulate sidewalks

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 tables, chairs, and signage, encroach into a sidewalk and pedestrians are forced to step into the road where there could be vehicular traffic. This danger is particularly amplified in business districts where the combination of pedestrian and vehicular traffic is greater. It is the intent of this local law to protect those persons traversing sidewalks by ensuring a 3’ free and clear walking path.

Section 2. Amendment.

The Shelter Island Code is hereby amended by amending Chapter 106 entitled “Rights-of Way” by adding the underlined words and deleting the stricken words as follows:

§ 106-1. Title.

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

§ 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” or a regulated sidewalk area, that interferes with public travel, whether vehicular, by bicycle, or foot, including vegetation, lumber, wood or logs, rocks, pipes, fencing, ~~and athletic equipment, merchandise, tables, chairs, and signage.~~

Regulated sidewalk area—A paved pedestrian path, 3’ in width from the roadside edge of said path.~~A pedestrian path, whether paved, gravel, grass, or dirt, 3’ in width from the curb of a road, which is owned by the State, County, Town, or privately.~~

§ 106-3. Obstructions Prohibited.

It shall be prohibited for any person, firm, corporation to cause, permit, or allow any obstruction to exist within ~~the~~ a right-of-way or regulated sidewalk area. It shall be the responsibility of the property owner or the person in control of the property to immediately remove all obstructions within the right-of-way or regulated sidewalk area adjoining their property and to restore the right-of-way or regulated sidewalk area 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 the owners or persons in control of the subject property, as hereinafter provided, to remove any obstruction which may exist upon a right of way or regulated sidewalk area 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 or person in control of the property.

Section 3. Authority.

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

June 3, 2024 – continued

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 sidewalks by prohibiting obstructions thereon. 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.

RESOLUTION NO. 210

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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 Monday, June 24, 2024, at 6:04 p.m., to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 65, entitled “Filming”, to increase the deadline for filing film permit applications from 14 days to 30 days prior to the proposed film shoot of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 65, entitled “Filming”, to increase the deadline for filing film permit applications from 14 days to 30 days prior to the proposed film shoot

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 filing of film permit applications, only two weeks prior to a proposed film shoot, does not afford the Town Clerk, and other Town Officials, the appropriate time to review same, thus such deadline needs to be increased from 14 days to 30 days.

Section 2. Amendment.

Section 65-5 of the Shelter Island Code Chapter 65 (Filming), is hereby amended by adding the underlined numbers and removing the stricken numbers as follows:

§ 65-5. Permits.

C. The application must be filed at least ~~14~~ 30 days in advance of the earliest date for which the permit is applied for. If the application is not timely filed, the applicant shall pay a rush fee, in an amount specified by Town Board resolution.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Town Law §130(15).

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

June 3, 2024 – continued

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 ensure that the Town Clerk, and other Town Officials, have the proper time to review applications for film permits in order to ensure film shoots do not interfere with the peace and enjoyment of the community.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 211

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett, 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 Monday, June 24, 2024, at 6:06 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 parking restrictions on the north side of Chequit Avenue and add a crosswalk across Clinton Avenue of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 126, entitled “Vehicles and Traffic”, to add parking restrictions on the north side of Chequit Avenue and add a crosswalk across Clinton Avenue

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

Section 1. Legislative Intent.

The Town Board finds that during the summer season (May 15-Sep 15), with the increased traffic to the Shelter Island Yacht Club, coupled with the relative narrowness of Chequit Avenue, there should be no parking on a certain portion on the north side of Chequit Avenue. This will avoid a situation where an emergency vehicle would be prevented from fully accessing Chequit Avenue, as well as potentially protect against a vehicular accident due to the two-way traffic at such a choke point. Additionally, the Town Board has determined that to ensure safe pedestrian traffic to the Yacht Club a crosswalk across Clinton Avenue is required.

Section 2. Amendment.

Section 126-7 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by adding the underlined words as follows:

§ 126-7 Pedestrian crosswalks.

F. There shall be a pedestrian crosswalk on Clinton Avenue near the intersection of Summerfield Place/Chequit Avenue.

Section 3. 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.

SS. No person shall park a vehicle, nor shall a registered owner of a vehicle cause, suffer, allow or permit said vehicle to park on the North side of Chequit Avenue beginning at the Westerly corner of 7 Chequit Avenue and extending 500' to the Easterly corner of Chequit Avenue between May 15 and September 15 annually.

Section 4. Authority.

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

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 safe vehicular and pedestrian travel, and emergency access along Chequit Avenue and pedestrian travel across Clinton Avenue.

RESOLUTION NO. 212

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

WHEREAS, Drew Harvey, 21 Cove Road, has petitioned the Town of Shelter Island for permission to install a mooring in Smith Cove at a location designated as latitude 41.051250°North and longitude -72.316663°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 6:08 p.m., prevailing time, on the 24<sup>th</sup> day of June, 2024, 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. 213

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

WHEREAS, William Meehan, 35 North Midway has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.0882°North and longitude -72.32245°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 24<sup>th</sup> day of June, 2024, 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 Larsen offered the following resolution, which was seconded by Supervisor Brach-William, to wit:

WHEREAS, Catherine Totonis, 2 Charlies Lane, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Harbor at a location designated as latitude 41.04969°North and longitude -72.34237°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 24<sup>th</sup> day of June, 2024, 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

June 3, 2024 – continued

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 215

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

WHEREAS, Robert and Elizabeth Jeffe, 17 Westmoreland Drive, have petitioned the Town of Shelter Island for permission to remove and replace, in-place, approximately 227 l.f. of existing timber bulkhead with vinyl bulkhead, backfill with up to 25 c.y. of clean sand to be trucked in from an approved upland source, per plans prepared by En-Consultants, dated March 18, 2024, 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, prevailing time on 24<sup>th</sup> day of June, 2024, 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. 216

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

WHEREAS, a public hearing was duly held on Monday, May 6<sup>th</sup> 2024, 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 Planning Board to the Town Board, of which provides as follows:

LOCAL LAW NO. 5 of 2024

A LOCAL LAW amending Chapter 129 entitled “Wetlands”, to transfer approval authority from the Planning Board to the Town Board,

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 wetlands of the Town of Shelter Island are a precious resource and as such any construction within 100’ of the wetland boundary needs to be reviewed by the Board which is directly answerable to the residents, the Town Board. The Planning Board will revert to serving, along with the Conservation Advisory Council, as a critical advisory body to ensure these applications are fully vetted.

Section 2. Amendment.

Shelter Island Code Chapter 129 (Wetlands), is hereby amended by deleting the stricken words and adding the underlined words as follows:

ARTICLE II

Permits

§ 129-3. General guidelines to activities within regulated area.

- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. 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.
- N. 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.
- O. Any activity which is not required to obtain a wetlands permit is still subject to all other permit requirements.
- P. 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.

§ 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:

- (9) 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 years of submission of the application.

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.

- (10) A notice of disapproval issued by the Building Department and the wetlands application form indicating all proposed structures, and the requisite fee, established from time to time by resolution of the Town Board.

- (11) 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 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 Town Board~~, Planning Board or Conservation Advisory Council.
- (12) Additional hydrological computations, topographical or engineering studies, ecological site plan or other factual or scientific data as deemed necessary by the Planning Town Board.
- (13) Current photographs of the proposed site showing proposed project location, current vegetative buffer, and existing sediment/erosion controls.
- (14) Copies of any such application shall be filed with the ~~Planning Board Town Clerk~~ in the number and manner prescribed by the Planning Town Board.
- (15) 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.

B. The applicant shall submit one original and ~~15~~ 20 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 seven copies to the Conservation Advisory Council and ~~two~~ five copies to the Planning Board. Conservation Advisory Council and Planning Board 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 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.

~~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.~~

D. ~~E.~~ The Planning Town Board shall schedule a public hearing on the application with no less than ~~10~~ 30 days' notice, to be given as follows:

(1) Upon receipt of a complete application, and findings or recommendations from the Conservation Advisory Council and Planning Board, or after the requisite timeframe for receipt of same has elapsed pursuant to § 129-4B, the Planning Town Board 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~~ 30 days' prior to the hearing.

(2) In addition, at least ~~10~~ 30 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 which is within 200 feet of the property involved in the application and to any applicable Homeowners Association. 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 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~~ 30 days immediately preceding the public hearing date. The applicant shall file an affidavit with the Planning Town Clerk ~~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.

E. ~~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.

F. ~~G.~~ 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.

G. ~~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.

H. ~~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.

§ 129-4.1. Causeway wetlands permit regulations.

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.

C. 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 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.

- D. 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 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.
- (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.
  - (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;

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;

- [3] 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;
  - (b) 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.

D. 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 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.

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.

E. 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.

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:

- G. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.
- H. Is not likely to cause a measurable increase in flooding or erosion at the proposed site and at other locations.
- I. 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.
- J. 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.
- K. Will not overly stress or contaminate the aquifer in the neighborhood of the project.
- L. 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.

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.

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 transfer the regulatory authority of the Wetlands permits to the Town Board from the Planning Board.

Vote 3 in favor 1 opposed (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 217

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

WHEREAS, a public hearing was duly held on Monday, May 6, 2024, to hear any and all

persons either for or against a local law entitled “A LOCAL LAW adding a new Chapter 67, entitled “Fertilizer”, to regulate the use of fertilizers on the Island, of which provides as follows:

LOCAL LAW NO. 6 of 2024

A LOCAL LAW adding a new Chapter 67, entitled “Fertilizer”, to regulate the use of fertilizers on the Island

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 Island’s sole aquifer is fragile and contains a thinner lens than the rest of the east end, which makes it more susceptible to harm from fertilizer contamination. Further, fertilizers can combine with nitrates to cause harmful algae blooms as experienced in West Neck Bay, Creek, and Harbor, and Fresh Pond. Therefore, the Town Board has determined that New York State and Suffolk County fertilizer regulations must be augmented locally to ensure our aquifer and surface waters are protected.

Section 2. Amendment.

The Shelter Island Code is hereby amended by adding a new Chapter 67 to be entitled “Fertilizer” by adding the underlined words as follows:

§ 67-1. Title.

This Chapter shall be known and may be cited as “Fertilizer”.

§ 67-2. Definitions.

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

LAWN FERTILIZER

Any organic or inorganic material of natural or synthetic origin which is added to soil, soil mixtures, or solution to supplement nutrients and is claimed to contain one or more essential plant nutrients. The term “fertilizer does not include compost, nor unmanipulated animal and vegetable manure and agricultural liming materials used to reduce soil acidity.

§ 67-3. Regulation on the use and application.

- A. No person shall apply lawn fertilizer between November 1 and April 1.
- B. No person shall apply lawn fertilizer to any impervious surface, including driveways, parking lots, roadways, and sidewalks.
- C. No person shall apply lawn fertilizer in a manner that causes, permits, or allows fertilizer to enter storm drains or any other man-made stormwater receptacles or channels.
- D. No person shall apply lawn fertilizer to any turf or lawn area within 100 feet of any surface water on any real property.
- E. All landscapers who apply fertilizers must comply with the licensing requirement of Chapter 79, including the possession and display of a valid Suffolk County Nitrogen Fertilizer Turf Management Certificate.

§ 67-4. Penalties.

Any owner or occupant of real property, tenant, agent, or person who violates any provision of this Chapter shall be guilty of an offense punishable by a fine of at least \$500 and 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, Town Law §130(15) and subject to the pending approval of New York State.

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 the residents and guests of Shelter Island, by protecting the aquifer and surface waters, by imposing stringent regulations on the use of fertilizers on the Island.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 218

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

WHEREAS, a public hearing was duly held on the 6<sup>th</sup> day of May, 2024, to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 133, entitled “Zoning”, to create a sky plane height restriction “Pyramid Law”, of which provides as follows:

LOCAL LAW NO. 7 of 2024

A LOCAL LAW amending Chapter 133, entitled “Zoning” to create a sky plane height restriction “Pyramid Law”

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

Section 1. Legislative Intent.

The Town Board finds that even though some single-family dwellings, which do not exceed the maximum height, are still inappropriate for the community, in that they overshadow adjoining homes particularly if they are constructed on narrow lots. Thus, the Town Board has determined that to ensure that homes are in keeping with an established neighborhood and do not create negative impacts on their neighbors, an additional height restriction is warranted.

Section 2. Amendment.

Section 133-1 of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:

§133-1. Terms defined; word usage.

Sky Plane

An area which begins at all property lines from the average elevation of the existing natural grade adjacent to that building or structure (prior to site disturbance), and extends inward at an angle of 45 degrees, except for lots located in the “B”, “B-1”, and “C” Zoning Districts whereby the average natural grade shall be augmented by 10’.

Section 3. Amendment.

Section 133-6(B)(7) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:

§133-6. District A (Residential).

B. Bulk Regulations.

(7)

Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 4. Amendment.

Section 133-7(B)(7) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:

§133-7. District AA (Residential).

B. Bulk Regulations.

(7)

Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 5. Amendment.

Section 133-8(B)(5) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken punctuation and adding the underlined words:

§133-8. District B (Business).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof—and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 6. Amendment.

Section 133-9(B)(5) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken punctuation and adding the underlined words:

§133-19. District B-1 (Restricted Business).

B. Bulk Regulations.

(5) Building height shall not exceed 35 feet-, and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 7. Amendment.

Section 133-10(B)(7) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by deleting the stricken punctuation and adding the underlined words:

§133-10. District C (Residential).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof-and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 6. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §267.

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.

SUMMARY OF PROPOSED LAW

The purpose of this local law is to add a second height limitation to ensure that homes, or other structures, are of an appropriate scale for the surrounding neighborhood and do not loom over adjoining properties.

Vote: 3 in favor 1 opposed (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 219

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

WHEREAS, a public hearing was duly held on Monday 6, 2024, 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 amend parking restrictions at the Town Dock at Bridge Street of which provides as follows:

LOCAL LAW NO. 8 of 2024

A LOCAL LAW amending Chapter 126, entitled “Vehicles and Traffic”, to amend parking restrictions at the Town Dock at Bridge Street

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 additional one-hour parking on the east side of the parking area for the Town Dock at Bridge Street to provide more parking opportunities. Additionally, the Town inadvertently restricted parking on State Route 114 near the Town Dock and as such will repeal same.

Section 2. Amendment.

Section 126-6 of the Shelter Island Code Chapter 108 (Vehicles and Traffic), is hereby amended by adding the underlined words and removing the stricken ones as follows:

§ 126-6. Fire Zones.

D. No person shall park a vehicle, nor shall the registered owner of a vehicle cause, suffer, allow or permit said vehicle to park within the designated parking area established on the easterly and westerly side of the Town right-of-way at the Town dock at Dering Harbor bordering the westerly side of the designated fire zone for a period in excess of ~~two~~ one hours between the hours of 8:00 a.m. and 6:00 p.m., at any time that parking permits are in effect.

Section 3. Amendment.

Section 126-8 of the Shelter Island Code Chapter 108 (Vehicles and Traffic), is hereby amended by adding the underlined words and removing the stricken words as follows:

§ 126-8. Parking restrictions.

~~HH.~~

~~No person shall park a vehicle, nor shall the registered owner of a vehicle cause, suffer, allow or permit said vehicle to park along Route 114 from the Town Dock on Bridge Street to a point 150 feet south and ending at Verizon pole 11, between the hours of 1:00 a.m. and 5:00 a.m.~~

HHH.

Daniel Lord Road.

[Added 4-12-2019 by L.L. No. 6-2019]

(1)

There shall be no parking on Daniel Lord Road except in the Town-owned right-of-way, which shall be indicated with appropriate signage.

(2)

No person shall park a motor vehicle or motorcycle on Daniel Lord Road unless that vehicle shall display a valid and current Shelter Island Town parking permit.

[Amended 5-28-2021 by L.L. No. 5-2021]

(3)

Said parking permits are required 24 hours per day, year long, and shall be displayed on the left rear bumper of a motor vehicle and the rear mudguard of a motorcycle.

HHI.

Bootlegger's Alley.

[Added 9-11-2020 by L.L. No. 6-2020; amended 5-28-2021 by L.L. No. 5-2021]

(1)

No person shall park a motor vehicle or motorcycle along the waterfront on Bootlegger's Alley and on the southeastern side of Bootlegger's Alley from the beachfront running east (landward) for 160 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(2)

No person shall park a motor vehicle or motorcycle on the northwest side of Bootlegger's Alley commencing 100 feet from the beachfront running east (landward) for 335 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(3)

No person shall park a motor vehicle or motorcycle on the northwest side of Bootlegger's Alley commencing 30 feet from the intersection with Nostrand Parkway running west (seaward) for 290 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(4)

There shall be no parking at any other location on Bootlegger's Alley at any time that parking permits are in effect.

(5)

There shall be no parking on Brander Parkway or West Neck Road within 50 feet of the intersection with Bootlegger's Alley.

(6)

There shall be no parking within six feet of any driveway or intersection on Bootlegger's Alley at any time.

(7)

There shall be no double parking anywhere on Bootlegger's Alley at any time.

KKJ.

Congdon Road.

[Added 5-28-2021 by L.L. No. 5-2021]

(1)

There shall be no parking on the northern side of Congdon Road from the shoreline running west (landward) for 60 feet at any time that parking permits are in effect.

(2)

There shall be no parking on the southern side of Congdon Road from the shoreline running west (landward) for 90 feet.

(3)

No person shall park a motor vehicle or motorcycle on the southern side of Congdon Road commencing 90 feet west from the shoreline running west (landward)) for 150 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(4)

The area on the northern side of Congdon Road commencing 60 feet west from the shoreline running west (landward) for 90 feet shall be reserved for permitted trailer parking.

~~LLK~~.

Crab Creek Road.

[Added 5-28-2021 by L.L. No. 5-2021]

(1)

There shall be no parking on either side of Peconic Avenue within 100 feet northwest of the intersection with Crab Creek Road at any time that parking permits are in effect.

(2)

There shall be no parking on the northern side of Peconic Avenue within 100 feet southeast of the intersection with Crab Creek Road at any time that parking permits are in effect.

(3)

There shall be no parking on either side of Crab Creek Road within 50 feet northeast of the intersection with Peconic Avenue at any time that parking permits are in effect.

(4)

No person shall park a motor vehicle or motorcycle on the northern side of Peconic Avenue within 100 feet of the intersection with Crab Creek Road unless that vehicle shall display a valid and current Shelter Island Town parking permit.

~~MML~~.

Hiberry Lane.

[Added 5-28-2021 by L.L. No. 5-2021]

(1)

No person shall park a motor vehicle or motorcycle on the northwest side of Hiberry Lane commencing 100 feet from the shoreline running southwest (landward) for 100 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(2)

No person shall park a motor vehicle or motorcycle on the southeast side of Hiberry Lane commencing from the shoreline running southwest (landward) for 85 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

(3)

There shall be no parking on the northwest side of Hiberry Lane commencing from the shoreline running southwest (landward) for 100 feet at any time that parking permits are in effect.

(4)

There shall be no parking on Hiberry Lane between Point Lane and Dinah Rock Road at any time that parking permits are in effect.

(5)

There shall be no parking on either side of Point Lane within 50 feet of the intersection with Hiberry Lane at any time that parking permits are in effect.

(6)

There shall be no parking on the northeastern side of Dinah Rock Road within 50 feet of the intersection with Hiberry Lane at any time that parking permits are in effect.

~~NNM~~.

Reel Point.

[Added 5-28-2021 by L.L. No. 5-2021]

(1)

There shall be no parking on the eastern side of Club Drive commencing from the shoreline running north (landward) for 235 feet at any time that parking permits are in effect.

(2)

No person shall park a motor vehicle or motorcycle on the western side of Club Drive commencing from the shoreline running north (landward) for 200 feet unless that vehicle shall display a valid and current Shelter Island Town parking permit.

QQNN.

South Ferry Hills.

[Added 5-28-2021 by L.L. No. 5-2021]

(1)

There will be no parking on the northern side of the Town Landing.

(2)

There shall be no parking on the southern side of the Town Landing commencing at the western edge of the Town Landing and continuing 40 feet eastward toward Thompson Road.

(3)

No person shall park a motor vehicle or motorcycle on the southern side of the Town Landing commencing 40 feet east of the western edge of the Town Landing and continuing 60 feet eastward toward Thompson Road unless that vehicle shall display a valid and current Shelter Island Town parking permit.

PPOO.

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 feet east from the stop sign at Manwaring Road and North Ferry Road.

[Added 4-4-2023 by L.L. No. 2-2023]

QQPP.

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 Road (Shelter Island Town Emergency Medical Service Building).

[Added 4-4-2023 by L.L. No. 2-2023]

RRQQ.

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 four 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 feet west from the stop sign at West Neck Road and New York Avenue on the south side of West Neck Road; 100 feet 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 feet on the east and west sides of New York Avenue from the West Neck Road and New York Avenue Intersection.

[Added 4-4-2023 by L.L. No. 2-2023]

SSRR.

No person shall park a motor vehicle or motorcycle directly opposite Verizon Pole Number 7, 286 feet northwest on the east side of South Ram Island Drive.

[Added 4-4-2023 by L.L. No. 2-2023]

Section 4. Authority.

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

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 reorganize the Bridge Street Town Dock parking area to create more parking opportunities and repeal certain parking regulations on Route 114, adjoining said area, as the Town may not regulate State Highways without State approval.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 220

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

BE IT RESOLVED, that the following dock application fees are hereby effective immediately:

Application fee for docks, bulkheads, groins & water control structures (excluding moorings)	\$1,250
Permit fee for docks, bulkheads, groins & water control structures (excluding moorings)	\$3,750

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 221

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

BE IT RESOLVED, that Hayden Rylott is hereby appointed to serve as Traffic Control Officer for the year of 2024, at a rate of \$20.00 per hour, retroactive to May 30<sup>th</sup>, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 222

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

BE IT RESOLVED, that Elizabeth Anne Danforth is hereby appointed to serve as a Volunteer Driver for the Senior Center for the year of 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 223

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

BE IT RESOLVED, that Susan W. Brewer is hereby appointed to serve as a Volunteer Driver for the Senior Center for the year of 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 224

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

WHEREAS, Shelter Island Fireworks, P.O. Box 452, Shelter Island, NY 11964, has requested permission to hold a Fundraising event at 63 South Menantic Road on Friday, July 12th, 2024 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

June 3, 2024 – continued

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 225

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett, 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 24, 2024, from 10:00 a.m. – 5:00 p.m., with a rain date of August 31, 2024, 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 that 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 as done in the past, now, Therefore

BE IT RESOLVED, that the said request is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 226

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Suffolk County for the Youth Sports and Education Opportunity Funding with a term of January 1, 2024 through September 30, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 227

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

THE TOWN BOARD OF THE TOWN OF SHELTER ISLAND, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of a majority of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town Board of the Town of Shelter Island (the “Town”), in Suffolk County, New York, hereby approves the form of Tax Pledge and Collection Agreement (the “Agreement”) presented at this meeting, relating to the construction of additions, alterations and improvements to the Shelter Island Public Library Society building and the issuance of revenue bonds by the Dormitory Authority of the State of New York as further described in the recitals to said Agreement, with such changes, insertions or omissions and such completion of blanks therein as may be approved by any Authorized Representative (as hereinafter defined), the execution and delivery of the Agreement to be conclusive evidence of such approval.

Section 2. The Supervisor and/or Deputy Supervisor (collectively the “Authorized Representatives” and individually, the “Authorized Representative”), acting on behalf of the Town and with the advice of the Town Attorney, are hereby authorized to execute, on behalf of the Town, the Tax Pledge and Collection Agreement between the Shelter Island Public Library Society, Shelter Island Union Free School District, Town of Shelter Island, Dormitory Authority of the State of New York and a trustee bank to be named.

Section 3. The Authorized Representatives are hereby authorized, collectively or individually, to take any and all other actions necessary in connection with the foregoing and all matters related thereto.

Section 4. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Dickson	Aye
Councilwoman Larsen	Aye
Councilman Dyett	Aye

June 3, 2024 – continued

Supervisor Brach-Williams                      Aye  
4 in favor 0 opposed  
The resolution was thereupon declared duly adopted

RESOLUTION NO. 228

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

WHEREAS, the Town of Shelter Island was awarded grant funds in the amount of \$250,000 by Suffolk County for the purpose of offsetting capital costs associated with a new municipal wastewater treatment system; and

WHEREAS, subsequent to the awarding of the grant in 2022, the Town of Shelter Island has determined that accepting the grant funds is not in the best interest of the municipality due to changes in project scope that will necessitate additional time and resources for project planning; and

WHEREAS, the Town of Shelter Island values its relationship with Suffolk County and appreciates the opportunity to apply for and receive grant funding; and

WHEREAS, due to the changes in project scope, a County funding resolution was not adopted within one year of the award letter dated August 31, 2022, and

WHEREAS, in order to proceed with any new grant application to Suffolk County for other high-priority projects in the Town, the award for the municipal wastewater treatment system must be declined; and

WHEREAS, the Town of Shelter Island remains committed to exploring alternative funding sources and solutions to achieve the goals initially outlined in the grant application, and is permitted to re-apply at a later date;

NOW, THEREFORE, BE IT RESOLVED that the Town of Shelter Island formally declines the acceptance of the grant funds awarded by Suffolk County for the Island Center Wastewater Treatment System; and

BE IT FURTHER RESOLVED that the Town Board hereby directs the Town Supervisor or her designee to notify Suffolk County in writing of the Town's decision to decline the grant funds and to express the Town's appreciation for the award and the County's support; and

BE IT FURTHER RESOLVED that the Town Board hereby expresses its desire to maintain a positive and collaborative relationship with Suffolk County and to consider future opportunities for funding and support that align with the Town's water quality improvement goals.

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

RESOLUTION NO. 229

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$25,000.00, received from the Shelter Island Ambulance Foundation, INC., to the EMS Capital Reserve Fund.

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

RESOLUTION NO. 230

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

BE IT RESOLVED, that the Supervisor is hereby authorized and direct to deposit the sum of \$359.50 from 1000bulbs.com to the A1490.414 Public Works General Ledger Account for the duplicate payment.

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

RESOLUTION NO. 231

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$11,003.04 received from the Shelter Island Heights Property Owners Corporation to the

June 3, 2024 – continued

DB2416 Vac Truck & Sweeper Rental account, in the amount of \$8,400.00, and for Town Personnel Services in the amount of \$2,603.04.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 232

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$3,176.46 from the Village of Dering Harbor to the Highway General Ledger account; \$2,245.50 to DB110.445 Highway Repair & Improvements \$930.96 to 2024 highway signs, Brush and Weed personal Services.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 233

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

BE IT RESOLVED, that the 2024 budget transfers are hereby approved; \$47,312 from the Highway Capital Reserve to DA9950.0 Highway Capital Projects for the third of four installment payments to First Citizens Bank for the 2022 Hyundai Wheel Loader; and \$11,621.70 from A3120.114 Holiday Pay to A3120.100 Chief Personnel Services; and \$4,450 from A3120.112 Night Differential to A3120.100 Chief Personnel Services; and \$1,000 from DA5140.448 CDL Training to A8160.490 HazMat Training.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 234

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

BE IT RESOLVED, the following 2023 budget transfers, provided and recommended by Cullen and Danowski, after their year-end review, are hereby approved for the General Fund:

\$700 from A1010.475 Drug Testing,  
\$1,200 from A1010.493 Law Library,  
\$1,300 from A1010.495 Print & Advertising,  
\$1,000 from A1110.103 Clerk N. Kotula,  
\$1,500 from A1110.104 Clerk Overtime,  
\$500 from A1110.409 Travel,  
\$1,200 from A1110.410 Court Interpreter,  
\$1,200 from A1110.484 Court Office & Miscellaneous,  
\$500 from A1110.496 Association of Towns,  
\$1,000 from A1110.499 Stenographer,  
\$2,000 from A1220.101 Clerk S. Mundy,  
\$47,500 from A1320.400 Independent Audit,  
\$26,000 from A1355.1010 Assessor P. Castoldi,  
\$32,500 from A1355.102 Assessor J. Lechmanski,  
\$1,300 from A1355.402 Summer Intern,  
\$1,700 from A1355.441 Revaluation Update,  
\$500 from A1355.491 Support Contracts,  
\$500 from A1355.492 School, Travel, and Mileage,  
\$4,200 from A1410.100 Town Clerk,  
\$23,000 from A1410.101 Deputy Town Clerk,  
\$7,500 from A1410.111 Town Clerk Overtime,  
\$500 from A1420.492 Training, Conference, and Travel,  
\$3,000 from A1480.484 Green Options Office & Miscellaneous,  
\$1,500 from A1490.101 Public Works Personnel Services,  
\$11,500 from A1490.106 Custodial Personnel Services,  
\$14,500 from A1490.121 Public Works Overtime,

\$500 from A1490.122 Double Overtime,  
\$2,000 from A1490.200 Equipment,  
\$800 from A1490.271 Boat Equipment,  
\$22,500 from A1490.410 Grounds Maintenance,  
\$500 from A1490.412 Town Dock Maintenance,  
\$8,000 from A1490.413 Jetties & Bulkheads,  
\$44,000 from A1490.414 Town Hall & Other Buildings,  
\$15,000 from A1490.414A 40 North Ferry Maintenance,  
\$4,000 from A1490.416 Mowers Repair,  
\$9,000 from A1490.417 Town Landings,  
\$1,000 from A1490.421 Congdon's Creek Dock,  
\$4,000 from A1490.422 Dredging,  
\$500 from A1490.479 Boat Maintenance,  
\$1,000 from A1490.484 Office & Miscellaneous,  
\$1,000 from A1620.200 Buildings Equipment,  
\$1,500 from A1680.106 IT Overtime,  
\$9,000 from A1680.276 Computer Equipment,  
\$2,000 from A1680.476 Computer Maintenance,  
\$500 from A1930.400 Judgments and Claims,  
\$4,300 from A3120.112 Night Differential,  
\$10,500 from A3120.114 Holiday Pay,  
\$5,000 from A3120.123 Accrued Sick Time,  
\$21,200 from A3120.400 Maintenance,  
\$500 from A3120.482 Boat Gas/Oil,  
\$6,700 from A3120.491 Contracts,  
\$4,500 from A3150.100 Jail Attendants,  
\$200 from A3150.200 Equipment,  
\$200 from A3150.400 Contracts,  
\$21,500 from A3510.100 Animal Control B. Payne,  
\$2,000 from A3510.103 Longevity,  
\$1,000 from A3510.200 Equipment,  
\$500 from A3510.265 Deer & Tick Appliances,  
\$4,000 from A3510.498 Deer Reduction Management,  
\$1,500 from A3989.200 NIMS Equipment,  
\$500 from A4210.410 Social Worker Liaison,  
\$1,400 from A4540.102 EMS Direction J. Thilberg,  
\$5,700 from A4540.408 Building Maintenance,  
\$1,800 from A4540.422 Food,  
\$500 from A4540.485 Ambulance Maintenance,  
\$500 from A4540.486 Fuel,  
\$9,500 from A4540.492 Travel & Meetings,  
\$1,500 from A4560.408 Medical Center Repairs & Maintenance,  
\$2,000 from A4560.424 Fuel,  
\$800 from A5010.200 Equipment,  
\$1,500 from A5010.440 Training,  
\$400 from A5989.100 Ferry Study Clerk,  
\$6,500 from A6772.140 Nutrition Director,  
\$700 from A6772.141 Cook,  
\$1,600 from A6772.142 Dishwasher,  
\$1,300 from A6772.484 Rent & Supplies,  
\$500 from A6772.485 Van Maintenance and Fuel,  
\$1,900 from A6775.156 Maintenance Mechanic,  
\$3,200 from A6775.157 Maintenance Mechanic II,  
\$1,000 from A6775.256 Equipment,  
\$1,000 from A6775.492 Travel,  
\$2,000 from A6776.143 Silver Circle Cook,  
\$1,300 from A6776.484 Office & Miscellaneous,  
\$2,500 from A6776.486 Van Fuel,  
\$300 from A6776.497 Program Provider,  
\$1,000 from A6777.140 Senior Center Director,

\$4,500 from A6777.147 Assistant to Director,  
\$8,900 from A6777.148 Drivers for New Bus,  
\$1,500 from A6777.200 Equipment,  
\$500 from A6777.408 Maintenance,  
\$500 from A6777.497 Program Provider,  
\$500 from A7020.105 Fit Aides,  
\$500 from A7020.484 Office & Miscellaneous,  
\$65 from A7310.400 Recreation Youth Programs,  
\$25,000 from A7310.401 Recreation Youth Waterman Program,  
\$2,800 from A7320.101 Youth Center Aides,  
\$1,700 from A7320.408 Repairs & Maintenance,  
\$3,300 from A7320.423 Electricity,  
\$1,600 from A7320.424 Fuel, Heat & Oil,  
\$1,700 from A7320.484 Office & Miscellaneous,  
\$1,000 from A7620.400 Adult Programs,  
\$15,500 from A8140.480 Community Housing Consultants,  
\$1,800 from A8140.490 Legal Services,  
\$4,500 from A8160.100L Landfill Longevity,  
\$3,000 from A8160.100PS Personnel Services,  
\$7,000 from A8160.103 Seasonal Workers,  
\$3,500 from A8160.119 Part Time Workers,  
\$1,300 from A8160.120PS HazMat Personnel Services,  
\$500 from A8160.128 Overtime,  
\$500 from A8160.130 Double Overtime,  
\$3,300 from A8160.132 Vacation Sell Back,  
\$9,200 from A8160.199 Deferred Compensation,  
\$8,000 from A8160.408 Repairs & Maintenance,  
\$2,000 from A8160.413 Jetties and Walls,  
\$3,500 from A8160.432 Test Wells & Repairs,  
\$500 from A8160.433 Solid Waste Carting Fees,  
\$18,000 from A8160.434 Hazardous Carting Fee,  
\$300 from A8160.435 Hazardous Waste Facility Maintenance,  
\$3,000 from A8160.437 Landfill Contingency,  
\$700 from A8160.439 Demo Concrete Out,  
\$2,000 from A8160.440 Highway,  
\$3,000 from A8160.444 Environmental Testing & Monitoring,  
\$500 from A8160.487 Clothing Allowance,  
\$500 from A8160.488 High Visibility Clothing,  
\$500 from A8160.490 HazMat Training,  
\$1,000 from A8160.497 Professional Services,  
\$35,000 from A9015.800 Police Retirement,  
\$52,000 from A9025.800 LOSAP,  
\$1,000 from A9055.801 Paid Family Leave, and  
\$500 to A1010.496 Association of Towns,  
\$19,100 to A1010.497 Town Board Professional Services,  
\$1,150 to A1110.105 Clerk Longevity,  
\$10,900 to A1110.106 Part Time Clerk M. Congdon,  
\$400 to A1110.440 Contracts,  
\$4,200 to A1220.107 Department Overtime,  
\$6,000 to A1220.111 Clerk C. Thuman,  
\$125 to A1220.200 Equipment,  
\$3,800 to A1220.412 ADP,  
\$1,300 to A1220.484 Office & Miscellaneous,  
\$650 to A1220.491 Service Contracts,  
\$200 to A1330.476 Computer Software,  
\$62,600 to A1355.100 Assessor,  
\$1,500 to A1355.484 Office & Miscellaneous,  
\$2,200 to A1375.4 Credit Card Fees,  
\$300 to A1410.106 Deputy Town Clerk #3,  
\$1,300 to A1410.110 Summer Intern,

\$1,300 to A1410.200 Equipment,  
\$3,000 to A1410.484 Office & Miscellaneous,  
\$900 to A1420.484 Office & Miscellaneous,  
\$1,100 to A1440.484 Office & Miscellaneous,  
\$102,500 to A1440.497 Professional Services,  
\$11,900 to A1490.409 Parks & Beaches,  
\$300 to A1490.425 Non-Highway Tree Maintenance,  
\$6,500 to A1620.408 Repairs & Maintenance,  
\$4,000 to A1620.423 Electricity,  
\$1,200 to A1620.424 Fuel,  
\$8,800 to A1620.483 Telephone,  
\$9,700 to A1680.400 Contracts,  
\$100 to A1680.484 Office & Miscellaneous,  
\$19,600 to A1910.400 Unallocated Insurance,  
\$1,700 to A1920.400 Associated of Towns Dues,  
\$1,200 to A1980.400 MTA Payroll Tax,  
\$26,700 to A3120.100 Chief J. Read,  
\$8,100 to A3120.100L Police Longevity,  
\$23,600 to A3120.100OT Police Overtime,  
\$15,800 to A3120.124 Unused Vacation/Sick,  
\$14,500 to A3120.200 Equipment,  
\$200 to A3120.273 Firearms & Ammunition,  
\$400 to A3120.483 Telephone,  
\$1,400 to A3120.484 Office & Miscellaneous,  
\$24,200 to A3120.486 Car Gas & Oil,  
\$200 to A3510.484 Office & Miscellaneous,  
\$40 to A4050.484 Office & Miscellaneous,  
\$1,700 to A4210.100 Social Worker,  
\$10,400 to A4210.400 Social Worker Contractual,  
\$600 to A4210.484 Office & Miscellaneous,  
\$11,000 to A4540.200 Ambulance Equipment,  
\$51,900 to A4540.401 ALS Coverage Per Diem,  
\$400 to A4540.409 Uniform & Equipment Allowance,  
\$15,400 to A4540.428 Communications,  
\$700 to A4540.445 Utilities,  
\$300 to A4540.478 Medical Supplies,  
\$1,000 to A4540.484 Office & Miscellaneous,  
\$1,100 to A4560.423 Electricity,  
\$700 to A5010.400 Office & Miscellaneous,  
\$1,800 to A5710.400 Waterways Management,  
\$2,300 to A6772.143 Nutrition Cook,  
\$400 to A6772.144 Part Time Clerk,  
\$900 to A6772.400 Food,  
\$300 to A6772.440 Maintenance,  
\$500 to A6775.439 Supplies,  
\$1,600 to A6776.140 Therapeutic Aide,  
\$500 to A6776.141 Van Driver,  
\$500 to A6776.146 Aide,  
\$1,900 to A6777.145 AAA Driver,  
\$100 to A6777.422 Meals & Snacks,  
\$100 to A6777.433 Senior Transportation,  
\$900 to A6777.445 Utilities,  
\$400 to A6777.484 Office & Miscellaneous,  
\$1,700 to A6778.100 Shopping Assistance Coordinator,  
\$1,100 to A6778.101 Driver,  
\$500 to A6778.486 Fuel, Travel, & Mileage,  
\$500 to A6779.485 Senior Recreation,  
\$800 to A7020.102 Recreation Aides,  
\$19,400 to A7020.262 FIT Equipment,  
\$11,100 to A7020.462 FIT Center,

June 3, 2024 – continued

\$100 to A8160.127 Landfill Overtime,  
\$1,700 to A8160.423 Electric,  
\$2,000 to A8160.438 Processed Concrete,  
\$32,300 to A8160.451 Hauling C&D,  
\$2,500 to A8160.484 Office & Miscellaneous,  
\$100 to A8160.495 Print & Advertising,  
\$400 to A8510.408 Smith Cabin Repairs,  
\$100 to A8711.400 Piping Plovers,  
\$6,300 to A9010.800 State Retirement System,  
\$19,300 to A9030.800 Social Security,  
\$5,000 to A9040.800 Workers Compensation,  
\$1,200 to A9050.800 Unemployment Insurance,  
\$20,200 to A9060.800 Medical Insurance,  
\$12,300 to A9060.801 Health Insurance Stipends,  
\$33,600 to A9089.800 Medicare Reimbursements.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 235

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

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$2,184.00 from the A3120.491 PD Contracts account to Vigilant Solutions, LLC, for the annual renewal fee for a term of July 2024 through June 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 236

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

BE IT RESOLVED, That 2024 general claims numbered 841 through 1029 in the amount of \$281,948.87; 2024 Highway claims numbered 98 through 137 in the amount of \$33,782.16; and 2024 Community Preservation Fund claim number 6 in the amount of \$3,276.52; 2024 West Water District Fund claim number 1 in the amount of \$27,203.92 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 6:43 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 109 entitled “Site Plan Review”.

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 called to order the public hearing on the application of Karen Feuer, 142G North Ferry Road, to request an exemption from the dock moratorium on the processing and approval of new dock permits by the Town Board.

Rob Herrmann, En-Consultants, was present on behalf of the applicant. An explanation was given for the request of the proposed hardship exemption.

The Supervisor opened the hearing for all to be heard in favor or opposition. There being no comments, the Supervisor made a motion to close the hearing and called to order the public hearing to utilize WQI funds for the costs associated with the Menantic Creek Water Quality Study Project.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Alice

June 3, 2024 – continued

Dupree was present in connection with the Menantic Creek Keepers and gave an explanation of the proposed project. There being no further comments, the Supervisor made a motion to close the public hearing and called to order the public hearing on the application of Richard Coles, 36 Ram Island Drive, for permission to install a mooring at a location designated as latitude 41.08013°North and longitude -72.30123°West.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: The WMAC adjusted and approved the following location, latitude 41.080291°North and longitude -72.301335° West.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor made a motion to close this hearing and called to order the public hearing on the application of John Kotula, 37 Smith Street, to install a mooring at a location designated as latitude 41.066882°North and longitude -72.310762°West.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: The application approved the location stated in the application.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor made a motion to close this hearing and re-open the regular meeting.

#### RESOLUTION NO. 237

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

WHEREAS, Richard Coles, 36 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring at location designated as latitude 41.08013° North and longitude -72.30123° West, and

WHEREAS, a public hearing was duly held on the 3<sup>rd</sup> day of June, 2024, 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 41.080291°North and longitude -72.301335°West, per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 238

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

WHEREAS, John Kotula 37 Smith Street, has petitioned the Town of Shelter Island for permission to install a mooring at location designated as 41.066882° North and -72.310762, and

WHEREAS, a public hearing was duly held on the 3<sup>rd</sup> day of June, 2024, 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: 3 in favor 1 recusal (Councilman Dyett)

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 239

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

WHEREAS, the Menantic Creek Keepers, appeared in front of the Water Quality Improvement Advisory Board to make an application for funding the “Menantic Creek Water Quality Study Project”, in the amount of \$2,800.00 for the 3<sup>rd</sup> monitoring site equipment and replacement of DO Sensor Caps for sites 1 & 2; and

WHEREAS, a public hearing was duly held on the 3<sup>rd</sup> day of June, 2024, for all interested persons to be heard in favor of or in opposition to the use of funds, now, therefore

BE IT RESOLVED, that the aforementioned request is hereby approved and the Supervisor or designee is hereby authorized to execute any and all documents associated with the

June 3, 2024 – continued

project.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 7:26 p.m., the Supervisor opened the meeting to the public. A member of the public commented on the process on the Planning Board applications. There being no further comments, the Supervisor made a motion to adjourn the meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

June 4, 2024

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 4<sup>th</sup> day of June, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk 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 3:25 p.m.

RESOLUTION NO. 240

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

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program (WQPRP) provides grant funding on a competitive basis for water quality projects defined in Article 12 Section 2(B) of the Suffolk County Charter;

WHEREAS, the Town of Shelter Island has an interest in improving and protecting water quality in the various water bodies of the Town, including Fresh Pond;

WHEREAS, Fresh Pond, a town asset is accessed by the public via an adjoining upland parcel, which was purchased with Community Preservation Fund monies (Turkem's Rest Preserve); WHEREAS, the water quality of Fresh Pond has deteriorated due to excessive phosphorus levels;

WHEREAS, the twenty (20) property owners surrounding Fresh Pond have contributed financially in the past to try and address some of the water quality issues facing Fresh Pond;

WHEREAS, the Town of Shelter Island intends to submit a proposal to the Suffolk County WQPRP Review Committee ("Review Committee") to procure funds to improve the water quality of Fresh Pond, which Review Committee has established a deadline of June 7, 2024 for proposals;

WHEREAS, the proposed project will provide for pilot-scale implementation of the Fresh Pond In-Waterbody Nutrient Control project;

WHEREAS, the proposed project is designed in accordance with the NYS-approved Fresh Pond In-Waterbody Nutrient Control Feasibility Study Engineering Report;

WHEREAS, the Suffolk County WQPRP program provides grant funding in support of selected projects, and requires 50% matching share;

WHEREAS, the Town of Shelter Island will submit a grant application to the WQPRP program for a maximum amount of \$162,500 for an anticipated total project cost up to \$325,000; WHEREAS, the County grant is reimbursement based up to the grant award amount; WHEREAS, the Town of Shelter Island will explore other funding mechanisms to cover the project costs beyond the County grant;

June 4, 2024 – continued

RESOLVED that the Town of Shelter Island will support the required minimum 50% matching funds toward the total project cost supported by the Suffolk County WQPRP, should the project receive funding approval from the County, up to \$162,500; and be it further RESOLVED, that the Town of Shelter Island shall seek other funding opportunities to cover the Town's match, including from the State through the New York State Water Quality Improvement Program and/or a gift from the Fresh Pond Neighbors Association; and be it further

RESOLVED, that ultimately, the Town of Shelter Island will be responsible for funding any project costs incurred above the County grant amount; and be it further

RESOLVED, that the Town Board authorizes the Supervisor or her designee to sign any and all necessary documents pertaining to the project, including but not limited to an inter-municipal agreement, subject to review and approval of the Town Attorney, to participate in the above referenced program.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared adopted.

#### RESOLUTION NO. 241

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Suffolk County for the Shopping Assistance Program for the Elderly with a term of January 1, 2024 through December 31, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 3:33 p.m., the Supervisor made a motion to close the Special Meeting. Councilman Dyett seconded. The motion was carried.

Amber Wilson  
Town Clerk

June 24, 2024

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 24<sup>th</sup> day of June, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Benjamin Dyett and Albert Dickson, Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately seven persons were also present.

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

Salute to Flag

#### RESOLUTION NO. 242

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

WHEREAS, a public hearing was held on Monday, June 3, 2024, to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 109 entitled "Site Plan Review", to expand the applicability of site plan review, of which provides as follows:

June 24, 2024 – continued

LOCAL LAW NO. 8 of 2024

A LOCAL LAW amending Chapter 109 entitled “Site Plan Review”, to expand the applicability of site plan review,

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 current applicability of site plan review is too narrow, as it only applies to businesses, and does not capture other uses that may have parking, lighting, loading, and density impacts that are more intense than that of a dwelling or accessory thereto. In order to protect the health, safety, and welfare of the community the trigger for site plan must be expanded so these nonresidential uses can be properly vetted and situated.

Section 2. Amendment.

Shelter Island Code Chapter 109 (Site Plan Review), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§109-2. Applicability.

A. When required. This chapter shall apply to any and a site plan review shall be required, when any business land use that is permitted pursuant to Chapter 133 of the Town Code, except a single-family or two-family home use, on a single and separate lot, and customary accessory uses thereto when: of the within the Town of Shelter Island:

- (1) ~~Commences operation~~ the use is commenced; or
- (2) ~~The use is significantly changed, altered, or expanded, or the intensity increased~~ changes, alters or expands their use or intensity of use of premises in a manner that will significantly affect the characteristics of the site as outlined in § 109-3A; or
- (3) ~~One Applies~~ One Applies for a building permit for any use, building or structure, except the single-family or two-family home use on a single and separate lot, customary accessory uses to single-family or two-family residential home use as stated in the Town Code.

Section 3. Authority.

The proposed local law is enacted pursuant to Town Law §274-a and 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

The purpose of this local law is to ensure that all nonresidential uses are required to have site plan approval so as to ensure that such uses are conducted in a manner that is compatible with, and does not detrimentally impact, the surrounding community

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 243

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

WHEREAS, pursuant to Section 4 of Local Law1-2024, entitled “[a] Local Law to Impose a Three-Month Moratorium on the Processing and Approval of New Dock Permits by the Town Board” Karen Feuer of 142G North Ferry Road, requested a variance from same in order

June 24, 2024 – continued

to renew the Town Board's review of her dock application to legalize an existing dock;

WHEREAS, on June 3, 2024, an unnecessary hardship hearing for said variance was held;

WHEREAS, that after considering the subject application, the Town Board determined there could be a net benefit to the environment in granting the variance so as to expedite the review of the existing dock application; now therefore be it

RESOLVED, that the variance is hereby granted and the Town Clerk is directed to set a public hearing on the underlying Dock Application at the next regularly scheduled Town Board Meeting.

Vote: 3 in favor 1 opposed (Councilman Dickson)

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 244

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

WHEREAS, Scott Schlesinger, 11 Montclair Avenue, has petitioned the Town of Shelter Island to remove existing steps to beach, remove 145' of existing bulkhead and construct 145' of new bulkhead, in-kind, in-place and reinstall steps to beach, 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 6:04 p.m., prevailing time, on the 15<sup>th</sup> day of July, 2024, 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 there upon declared duly adopted.

#### RESOLUTION NO. 245

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

BE IT RESOLVED, that the following ZBA fee is hereby effective immediately:

Interpretation/Appeal fee \$800.00

50% fee to be returned if appeal is not heard; and

BE IT FURTHER RESOLVED, that said fee is not applicable to the Town Board and Building Department.

Vote: 3 in favor 1 opposed (Councilman Dickson)

The resolution was there upon declared duly adopted.

#### RESOLUTION NO. 246

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

WHEREAS, the terms of Tim Purtell and Steve Sanders as a members of the Green Options Committee expired on May 10, 2024, and

WHEREAS, Mr. Purtell and Mr. Sanders have expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Tim Purtell and Steve Sanders are hereby reappointed to serve as member of the Green Options Committee for a term to expire on May 10, 2027.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 247

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

BE IT RESOLVED, that following are hereby appointed to serve as Lifeguards, at a rate of \$22.00 per hour, for the year of 2024;

Leonardo Dougherty, Luca Martinez, Alex Burns, Finn Egan, Maddie Springer, Andrea Napoles, Patrick Rodier, Anna Frienzo, Mae Brigham.

Vote: 4 in favor 0 opposed

June 24, 2024 – continued

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 248

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett,

BE IT RESOLVED, that Nell Lowell is hereby appointed to serve as Swim Instructor at a rate of \$30.00 per hour, for the year of 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 249

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

BE IT RESOLVED, that Harrison Weslek is hereby appointed to serve as Recreational Aide, at a rate of \$17.00 per hour, for the year of 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 250

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

BE IT RESOLVED, that Resolution No. 165 of 2024 is hereby amended to read as follows:

WHEREAS, Bon Spa c/o Alexandre Roy, has filed an application to conduct business on Town property for 2024 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 outlined in the application, subject to the following conditions:

A. The business shall be placed in the location as outlined in the application, with modification outlined in point G.

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 17 and September 9, 2024.

D. The hours of operation cannot exceed 9 am to 7 pm.

E. ~~The area of business cannot be larger than 20'x20.'~~ The area of the business may not be larger than 400 sq ft.

F. There shall be no more than two 10'x10' tents.

G. Proposed storage locker shall be located within the ~~20' x 20'~~ 400 sq ft 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.

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 possesses all other necessary Federal, State and County licenses.

N. 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.

RESOLUTION NO. 251

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

June 24, 2024 – continued

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 annual community musical and fundraiser to be held on July 18<sup>th</sup> through July 21<sup>st</sup>, 2024, from 5:00 p.m., to 10:00 p.m., and

WHEREAS, a rain date is scheduled for July 27<sup>th</sup>, 2024, and

WHEREAS, the applicant has requested an exemption from the Noise Ordinance, and

BE IT RESOLVED, that said request is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 252

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

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 July 24<sup>th</sup>, August 7<sup>th</sup>, and August 21<sup>st</sup>, 2024, from 4:30 p.m., to 7:30 p.m., and

WHEREAS, rain dates are scheduled for July 31<sup>st</sup>, August 14<sup>th</sup> and August 28<sup>th</sup>, 2024, 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 253

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

BE IT RESOLVED, that the Memorandum of Understanding between the Town of Shelter Island and Cornell Cooperative Extension of Suffolk County with a term of May 1, 2023 through July 31, 2024, is hereby extended to terminate on October 31, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 254

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to sign the Opioid Settlement Funding Contract between the Town of Shelter Island and Suffolk County Health Department for a term of February 1, 2024 through January 31, 2027, retroactive to June 6, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 255

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

WHEREAS, the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending May 31, 2024 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 the general account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 256

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

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

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sum of \$4,393.76 from the United States Treasury to the A2770 Miscellaneous Revenue account for the amended tax return for quarter 1 of 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 257

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

WHEREAS, the Recreation Department has received a very generous donation from Mr. Richard Bond in the amount of \$500 to be used towards a Summer Soccer Program for youth, and

WHEREAS, receipt of these funds was unknown at budget time, now, Therefore  
BE IT RESOLVED That the following 2024 budget revision is hereby approved:  
\$500 increase to the 2024 A2705H Miscellaneous Donations revenue account, to be funded by the donation from Mr. Bond and \$500 increase to the 2024 A7310.400 Youth Recreation Programs expense account; and

BE IT FURTHER RESOLVED, that the Town of Shelter Island does hereby thank Mr. Bond for the generous donation to the Recreation Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 258

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

BE IT RESOLVED, that the following 2024 budget modifications are hereby approved:  
\$23,925 increase to the A3097C CDBG Reimbursement revenue account, and \$23,925 increase to the A9950.0 Capital Projects expense account for the Suffolk County 2023 CDBG reimbursement for ADA plans for the Police Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 259

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

BE IT RESOLVED, That 2024 general claims numbered 1030 through 1206 in the amount of \$124,182.10; 2024 Highway claims numbered 138 through 155 in the amount of \$17,818.41; and 2024 Community Preservation Fund claim number 7 in the amount of \$1,102.50; 2024 West Water District Fund claim number 8 in the amount of \$14.89 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:19 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 106, entitled “Rights-of-Way”.

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

Supervisor Brach-Williams called for any correspondence to be read aloud: no correspondence was received.

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 called to order the public hearing on the proposed Local Law entitled “A Local Law amending Chapter 65, entitled “Filming”.

June 24, 2024 – continued

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

Supervisor Brach-Williams called for any correspondence to be read aloud: no correspondence was received.

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 called to order the public hearing on the proposed Local Law entitled “A Local Law amending Chapter 126, entitled “Vehicles and Traffic”.

Supervisor Brach-Williams called for any correspondence to be read aloud which was as follows:

1. A Letter from Stella Lagudis, SIHPOC, in support of the 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 this hearing closed and called to order the public hearing on the application of Drew Harvey, 5 Grand Avenue, to install a mooring in Smith Cove at a location designated as latitude 41.051250°North and longitude 72.316663°West.

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

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC adjusted the location to an available mooring designated as latitude 41.05148°North and longitude -72.31622°West.

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 called to order the public hearing on the application of William Meehan, 35 North Midway Road, to install a mooring in Coecles Harbor at a location designated as latitude 41.0882°North and longitude -72.32245°West.

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

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC adjusted the location to bring applicant closer to the landing at a location designated as latitude 41.088313°North and longitude -72.322786°West.

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 called to order the public hearing on the application of Catherine Totonis, 2 Charlies Lane, to install a mooring in West Neck Harbor at a location designated as latitude 41.04696°North and longitude -72.34237°West.

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

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC approved the application. However, members will consult the water depth with the Bay Constable and adjusted the location to deeper water and out of traffic. New coordinates: latitude 41.05011°North and longitude -72.34196°West.

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 called to order the public hearing on the application of Robert & Elizabeth Jeffe, 17 Westmoreland Drive, for permission to remove and replace (in-place) approximately 227 l.f. of existing timber bulkhead with vinyl bulkhead, backfill with up to 25c.y. of clean sand to be trucked in from an approved upland source, per plans prepared by En-Consultants dated March 18, 2024.

June 24, 2024 – continued

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

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC 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 made a motion to close this hearing and re-open the regular meeting.

RESOLUTION NO. 260

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

WHEREAS, Drew Harvey, 5 Grand Avenue, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.051250° North and longitude -72.316663° West, and

WHEREAS, a public hearing was duly held on the 24<sup>th</sup> day of June, 2024, 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 41.05148°North and longitude -72.31622°West, per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 261

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

WHEREAS, William Meehan, 35 North Midway, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.08821° North and longitude -72.32245° West, and

WHEREAS, a public hearing was duly held on the 24<sup>th</sup> day of June, 2024, 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 41.088313°North and longitude -72.322786°West, per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 262

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

WHEREAS, Catherine Totonis, 2 Charlies Lane, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.04969° North and longitude -72.34237° West, and

WHEREAS, a public hearing was duly held on the 24<sup>th</sup> day of June, 2024, 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 41.05011°North and longitude -72.34196°West, per recommendation of the WMAC and Bay Constable.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 263

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

WHEREAS, Robert and Elizabeth Jeffe, 17 Westmoreland Drive have petitioned the Town of Shelter Island for permission to remove and replace (in-place) approximately 227 l.f. of existing timber bulkhead with vinyl bulkhead, backfill with up to 25c.y. of clean sand to be

trucked in from an approved upland source, per plans prepared by En-Consultants dated March 18, 2024, and

WHEREAS, a public hearing was duly held on the 24<sup>th</sup> day of June, 2024, 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.

At 6:37 p.m., the Supervisor opened the meeting to the public. There being no further comments, the Supervisor made a motion to adjourn the meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

July 2, 2024

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 2<sup>nd</sup> day of July, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, and approximately eight persons were also present. Town Clerk Amber Wilson was present via zoom. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 2:16 p.m.

RESOLUTION NO. 264

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

WHEREAS, Shelter Island Fireworks, P.O. Box 452, Shelter Island, NY, has requested permission to have fireworks display at Crescent Beach on Saturday, July 13, 2024, at 9:00 p.m., with a rain date of Sunday, July 14, 2024 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, 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 this approval to the applicant, 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 on July 13, 2024, subject to submission of the United States Coast Guard "Marine Event Permit" and

BE IT FURTHER RESOLVED, that said operations shall be in compliance with the New York State Law, and the usual and normal precautions incident to said operations shall be complied with.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 1:18 p.m., the Supervisor made a motion to close the Special Meeting. Councilwoman seconded. The motion was carried

Amber Wilson  
Town Clerk

July 15, 2024

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 15<sup>th</sup> day of July, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilwoman Margaret Anne Larsen, Councilmen Benjamin Dyett and Albert Dickson. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately five persons were also present.

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

Salute to Flag

July 15, 2024 – continued

Correspondence included the following:

1. A letter from Pam Demarest regarding the Site Plan application submitted by The Perlman Music Program.

RESOLUTION NO. 265

Councilman Dickson 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 Monday, August 5<sup>th</sup> 2024, at 6:02 p.m., prevailing time to hear

any and all persons either for or against a local law entitled “A LOCAL LAW amending Town Code Chapter 43, Entitled “Building Construction”, to Require Upon the Transfer of Real Property the Installation of an Innovative Alternative On-Site Water Treatment System, of which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

A LOCAL LAW amending Town Code Chapter 43, Entitled “Building Construction”, to require upon the transfer of real property the installation of an Innovative Alternative On-Site Water Treatment System,

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 is a nitrogen intrusion emergency on the Island which has grave consequences for both the potability and health of our waters. The Town Board further determines that the installation of more I/A systems can help mitigate nitrogen contamination caused by conventional septic systems, thus upon the transfer of real property I/A systems shall be required to be installed.

Section 2. Amendment.

Shelter Island Code Chapter 43 (Building Construction), is hereby amended by adding the underlined words as follows:

§ 43-10.4 Innovative alternative on-site water treatment system.

[Added 3-23-2018 by L.L. No. 2-2018]

A. An innovative and alternative on-site water treatment system (IAOWTS) approved by the Suffolk County Department of Health Services shall be required for the following projects located within the Town of Shelter Island:

- (1) All new residential construction with greater than 1,500 square feet of living area; and
- (2) Any septic system upgrade required by the Suffolk County Department of Health Services.
- (3) Any expansion or renovation of a single-family residence, a multiple-family residence, or any other building capable of being used as a residence that:

[Added 12-3-2021 by L.L. No. 12-2021]

(a) Has an existing nonconforming septic system as determined by the SCDHS.

(b) Increases the SFLA (as defined in the Town Code) by 25%.

(c) Increases the number of bedrooms (as defined by the SCDHS) that exceeds the allowable number authorized by a permit, previously issued by the SCDHS.

(4) Any transfer of an improved residential real property, within three (3) years of closing, unless an extension for Good Cause is granted by the Town Board, except if the transfer is:

(a) To a Limited Liability Company where the current Owner(s) would be the Sole Member(s); or

(b) To the Seller’s Spouse; or

(c) To the Seller’s Child or Stepchild; or

(d) To the Seller’s Sibling; or

(e) Put into a Trust where the Beneficiary is a Spouse, Child or Grandchild

Section 3. Authority.

The proposed local law is enacted pursuant to Town Law §274-a and 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

The purpose of this local law is to try and protect the aquifer from nitrogen intrusion by adding the transfer of real property to the list of actions that trigger the installation of I/A systems.

Vote: 3 in favor 1 Abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 266

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

WHEREAS, Karen Feuer, 142G, North Ferry Road, has petitioned the Town of Shelter Island to complete an existing dock that was repaired and subsequently rebuilt without a permit, and

WHEREAS, a variance from the Dock Moratorium was granted on June 24, 2024 per Resolution No. 243, now therefore,

BE IT RESOLVED, that pursuant to Section 59-9 of the Code of the Town of Shelter Island, the Town Board hereby calls for a public hearing to be held on Monday, August 5<sup>th</sup>, 2024, at 6:04 p.m., prevailing time, in Shelter Island Town Hall, for all those 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. 267

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

WHEREAS, pursuant to Shelter Island Town Code §109, Anna Kaplan has submitted a site plan review application on behalf of The Perlman Music Program, owner of 73 Shore Road and 65 Stearns Point Road, designated as Tax Map 700-13-2-31 and 700-13-2-32.1, for improvements to the existing summer camp facility, now, therefore,

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 5<sup>th</sup> day of August, 2024, in the Shelter Island Town Hall, 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. 268

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Monday, August 5, 2024, at 6:08 p.m., prevailing time, to hear any and all persons either for or against a local law entitled "A LOCAL LAW to extend the

July 15, 2024 – continued

moratorium on the processing and approval of dock permits by the Town Board” which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

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

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

Section 1. Legislative Intent.

Due to the increased growth and a spread of development throughout the town, including the requests for docks along Shelter Island’s fragile shoreline and a growing disparity between the Town code, as written, and the needs of our community, the Town Board enacted a three-month moratorium on the acceptance and review of all new and pending dock applications. In accordance therewith, the Town Board charged the Waterways Management Advisory Council (“WMAC”) to review the adequacy of our current dock code and to rewrite same 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 WMAC has finalized a draft amendment to the dock code and the Town Board is currently reviewing same. Therefore, it is necessary for the moratorium to be extended a second time to afford sufficient time for the Town Board to review, and set a public hearing on, the proposed amendment.

Section 2. Moratorium Extended Term.

A. Local Law No. 1 of 2024 imposing a three (3) month moratorium, and Local Law No. 4 extending subject moratorium requiring that no board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of a dock located within the Town of Shelter Island is hereby extended for an additional three (3) month period of time through November 23, 2024.

B. Except as otherwise amended herein, all of the provisions of Local Law No. 1 of 2024, shall be extended for an additional three (3) month period of time through November 23, 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.

July 15, 2024 – continued

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 dock applications by three months to afford additional time to update the Dock Code.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 269

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

WHEREAS, a public hearing was duly held on Monday, June 24<sup>th</sup>, 2024, to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 106, entitled “Rights-of-Way”, to regulate sidewalks, of which provides as follows:

LOCAL LAW NO. 9 of 2024

A LOCAL LAW amending Chapter 106, entitled “Rights-of-Way”, to regulate sidewalks

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 tables, chairs, and signage, encroach into a sidewalk and pedestrians are forced to step into the road where there could be vehicular traffic. This danger is particularly amplified in business districts where the combination of pedestrian and vehicular traffic is greater. It is the intent of this local law to protect those persons traversing sidewalks by ensuring a 3’ free and clear walking path.

Section 2. Amendment.

The Shelter Island Code is hereby amended by amending Chapter 106 entitled “Rights-of Way” by adding the underlined words and deleting the stricken words as follows:

§ 106-1. Title.

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

§ 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” or a regulated sidewalk area, that interferes with public travel, whether vehicular, by bicycle, or foot, including vegetation, lumber, wood or logs, rocks, pipes, fencing, ~~and~~ athletic equipment, merchandise, tables, chairs, and signage.

Regulated sidewalk area—A paved pedestrian path, 3’ in width from the roadside edge of said path.~~A pedestrian path, whether paved, gravel, grass, or dirt, 3’ in width from the curb of a road, which is owned by the State, County, Town, or privately.~~

§ 106-3. Obstructions Prohibited.

It shall be prohibited for any person, firm, corporation to cause, permit, or allow any obstruction to exist within ~~the~~ a right-of-way or regulated sidewalk area. It shall be the responsibility of the property owner or the person in control of the property to immediately remove all obstructions within the right-of-way or regulated sidewalk area adjoining their property and to restore the right-of-way or regulated sidewalk area 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 the owners or persons in control of the subject property, as hereinafter provided, to remove any obstruction which

July 15, 2024 – continued

may exist upon a right of way or regulated sidewalk area 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 or person in control of the property.

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.

SUMMARY OF PROPOSED LAW

The purpose of this local law is to protect the health, safety, and welfare of those who traverse Shelter Island sidewalks by prohibiting obstructions thereon. 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.

RESOLUTION NO. 270

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

WHEREAS, a public hearing was duly held on Monday, June 24<sup>th</sup>, 2024, to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 65, entitled “Filming”, to increase the deadline for filing film permit applications from 14 days to 30 days prior to the proposed film shoot of which provides as follows:

LOCAL LAW NO. 10 of 2024

A LOCAL LAW amending Chapter 65, entitled “Filming”, to increase the deadline for filing film permit applications from 14 days to 30 days prior to the proposed film shoot

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 filing of film permit applications, only two weeks prior to a proposed film shoot, does not afford the Town Clerk, and other Town Officials, the appropriate time to review same, thus such deadline needs to be increased from 14 days to 30 days.

Section 2. Amendment.

Section 65-5 of the Shelter Island Code Chapter 65 (Filming), is hereby amended by adding the underlined numbers and removing the stricken numbers as follows:

§ 65-5. Permits.

C. The application must be filed at least 14 30 days in advance of the earliest date for which the permit is applied for. If the application is not timely filed, the applicant shall pay a rush fee, in an amount specified by Town Board resolution.

July 15, 2024 – continued

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Town Law §130(15).

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 ensure that the Town Clerk, and other Town Officials, have the proper time to review applications for film permits in order to ensure film shoots do not interfere with the peace and enjoyment of the community.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 271

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

WHEREAS, a public hearing was held on Monday, June 24, 2024, 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 parking restrictions on the north side of Chequit Avenue and add a crosswalk across Clinton Avenue of which provides as follows:

LOCAL LAW NO. 11 of 2024

A LOCAL LAW amending Chapter 126, entitled “Vehicles and Traffic”, to add parking restrictions on the north side of Chequit Avenue and add a crosswalk across Clinton Avenue

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

Section 1. Legislative Intent.

The Town Board finds that during the summer season (May 15-Sep 15), with the increased traffic to the Shelter Island Yacht Club, coupled with the relative narrowness of Chequit Avenue, there should be no parking on a certain portion on the north side of Chequit Avenue. This will avoid a situation where an emergency vehicle would be prevented from fully accessing Chequit Avenue, as well as potentially protect against a vehicular accident due to the two-way traffic at such a choke point. Additionally, the Town Board has determined that to ensure safe pedestrian traffic to the Yacht Club a crosswalk across Clinton Avenue is required.

Section 2. Amendment.

Section 126-7 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by adding the underlined words as follows:

§ 126-7 Pedestrian crosswalks.

F. There shall be a pedestrian crosswalk on Clinton Avenue near the intersection of Summerfield Place/Chequit Avenue.

Section 3. 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.

SS. No person shall park a vehicle, nor shall a registered owner of a vehicle cause, suffer, allow or permit said vehicle to park on the North side of Chequit Avenue beginning at the Westerly corner of 7 Chequit Avenue and extending 500' to the Easterly corner of Chequit Avenue between May 15 and September 15 Annually.

Section 4. Authority.

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

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 safe vehicular and pedestrian travel, and emergency access along Chequit Avenue and pedestrian travel across Clinton Avenue.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 272

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

WHEREAS, the Town of Shelter Island hereby requests financial assistance from the New York State Water Quality Improvement Program (WQIP); 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 relating to the Pilot phase of the project, with an estimated total cost of \$325,000; 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 \$260,000, and providing up to \$65,000 in local matching funds; 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 273

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

WHEREAS, the Town of Shelter Island hereby requests financial assistance from the New York State Climate Smart Communities grant program pursuant to Environmental Conservation Law Article 54, Title 15, and

WHEREAS the Town of Shelter Island certifies that it has identified \$46,500 of matching funds from Town capital funds pursuant to the requirements of Environmental Conservation Law Article 54, Title 1, now, therefore

BE IT RESOLVED, that the Town of Shelter Island hereby authorizes Town Supervisor

July 15, 2024 – continued

Amber Brach-Williams, an official or employer, or her designee, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$46,500, to be used for the purchase of a high water rescue vehicle.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 274

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to sign and expend the sum of \$2,375, which will be reimbursed by the agreement between the Town of Shelter Island and Suffolk County Probation Department for DWI Enforcement for the period of January, 1, 2024 through December 31, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 275

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

WHEREAS, sealed bids to construct and replace approximately 185 linear feet of old wooden bulkhead with a new vinyl sheeting and CCA bulkhead located at Congdon Road Town Landing on Shelter Island N.Y., were received by the Town Clerk's Office until 3 p.m., on the 1<sup>st</sup> day of April, 2024, at which time they were publicly opened and read aloud as follows:

South Shore Docks INC	\$100,750.00,
Oysterponds Dock Building & Dredging Corp.	\$105,250.78,
Chesterfield Associates, INC.	\$127,600.00,
Crowley Marine Contracting	\$189,000.00,
S.Heaney Marine Construction, INC	\$99,000.00,
Brandt Marine, INC	\$134,000.00, now, therefore

BE IT RESOLVED, that said bid is hereby granted to S.Heaney Marine Construction, INC in the amount of \$99,000.00.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 276

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to sign the contract between the Town of Shelter Island and Nathan Corwin Land Surveyors for surveys to be completed at 16 Manwaring and 69 North Ferry Road.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 277

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

BE IT RESOLVED, RESOLUTION NO. 179 – 2024, is hereby amended to read as follows:

WHEREAS, Tuck Shop c/o John Sieni has filed an application to conduct business on Town property for 2024 summer season, and

WHEREAS, the nature of the business is to resell pre-packed ice cream and non-alcoholic beverages out of a Ford Transit 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 Tuck Shop 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 24 and October 12, 2024

B. The hours of operation on Town property cannot exceed 9 am to 7 pm

C. The licensee is responsible for daily disposal of the trash created in connection with the operation of the business

D. The disposal of this trash shall be different than receptacles provided by the Town at the beaches

E. The licensee is limited to sell only products outlined in the application

F. The licensee shall submit Business Certificate, DBA Certificate or NYS LLC Certificate

G. The licensee shall submit Tax ID Certificate

H. No alcoholic beverages, clothing, accessories or similar retail items shall be sold in connection with this permit on Town property

I. The licensee shall obtain appropriate certificate of liability insurance to satisfaction of Town of Shelter Island insurance broker; and

J. The licensee shall obtain beach parking permit to park at the Town beaches

K. There shall be no parking spot guaranteed in connection with this application

L. The licensee shall not cone off parking spot at any time

M. The licensee shall park only on the Northwest side of the Wades Beach parking lot adjacent to the grass sand area of the bocce ball courts

N. At the Crescent Beach, the licensee shall park only within the designated area at the ~~West~~ East end of the beach

O. The licensee shall adhere to Vehicle & Traffic Law, Section 1225 (b)

P. The licensee shall remain in one area only sixty minutes of at given time

Q. 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: 3 in favor 1 Abstain (Supervisor Brach-Williams)

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 278

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

WHEREAS, the term of Dr. Joshua Potter as a member of the Deer and Tick Committee expired on June 24, 2024, and

WHEREAS, Dr. Potter has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Dr. Joshua Potter is hereby reappointed to serve as member of the Deer and Tick Committee for a term to expire on June 24, 2027.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 279

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

WHEREAS, the term of Debbie Brewer as a member of the Recreation Committee will expire on August 7<sup>th</sup>, 2024, and

WHEREAS, Mrs. Brewer has expressed willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, that Debbie Brewer is hereby reappointed to serve as member of the Recreation Committee for a term to expire on August 7<sup>th</sup>, 2031.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 280

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

WHEREAS, Trent Firestine, has filed an application to conduct business on Town

property for 2024 summer season, and

WHEREAS, the nature of the business is to provide balance and coordination fitness classes, 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 Trent Firestine 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 hours of operation cannot exceed 9 am to 10 am.
- D. The operation area of business cannot be larger than 20' x 20'.
- 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 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.

#### RESOLUTION NO. 281

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

WHEREAS, the term of William Johnson III as a member of the Zoning Board of Appeals expired on July 8<sup>th</sup>, 2024, and

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

BE IT RESOLVED, that William Johnson is hereby reappointed to serve as member of the Zoning Board of Appeals for a term to expire on July 8<sup>th</sup>, 2029.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 282

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

BE IT RESOLVED, that Gerard Siller is hereby appointed to serve as an On-Call As Needed Driver for the Senior Center for the year of 2024, at the rate of \$24.19 per hour, not to exceed 20 hours per week, retroactive to June 25, 2024.

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 Supervisor Brach-Williams, to wit:

BE IT RESOLVED, that Angela Corbett is hereby appointed to serve as an On-Call As Needed Driver for the Senior Center for the year of 2024, at the rate of \$24.19 per hour, not to exceed 20 hours per week, retroactive to June 26, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

July 15, 2024 – continued

RESOLUTION NO. 284

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

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

\$3,000 from A1490.410 Grounds Maintenance to A1490.412 Dock Maintenance,  
\$2,000 from A1490.420 Signs & Signals to A5010.400 Office & Miscellaneous,  
\$500 from A1490.418 Gas Allowance to A5010.440 Training,  
\$200 from A1010.484 Office & Miscellaneous to A1010.496 Association of Towns,  
\$350 from A6775.439 Supplies and \$500 from A6775.492 Travel to A6775.256 Equipment,  
\$500 from A6777.497 Program Provider to A6777.422 Meals & Snacks,  
\$200 from A6778.492 Ferriage to A6778.484 Office & Miscellaneous,  
\$346.50 from B3620.485 Car Maintenance to B3620.483 Association of Towns,  
\$500 from B8012.498 Association of Towns/Training to B8012.484 Office & Miscellaneous,  
\$500 from B8020.490 Association of Towns/Training to B8020.495 Print & Advertising.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 285

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

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

\$500 increase to A2705G Residential Repair Donations, and \$500 increase to A6775.256 Residential Repair Equipment,  
\$35,862 increase to A3389A DCJS LETECH Grant, and  
\$35,862 increase to A3120.200 Police Equipment, to be funded by the grant funding received from the NYS Division of Criminal Justice Services under the State's Law Enforcement Technology Program,  
\$123,756.62 increase to A5031 Interfund Transfers,  
\$123,756.62 increase to A1440.497 Engineering Professional Services, to be funded by the transfer from Water Quality Improvement Projects per Resolution No. 136 on February 28, 2023, authorizing funding for the Fresh Pond Remediation Project,  
\$1,200 increase to A2705H Miscellaneous Donations, and  
\$1,200 increase to A3120.200 Police Equipment to be funded by the donation check received from Shelter Island Run Inc.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 286

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$19,527.99 from the Shelter Island Ambulance Foundation, Inc. to the Ambulance Communication general ledger 2024 account A4540.428 for the reimbursement of portable radios and assorted components purchased from Integrated Wireless Technology, LLC in the amount of \$14,527.99 and a \$5,000 donation – A25705A to be used for the Ambulance Communications account.

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 Supervisor Brach-Williams, to wit:

\$1,019.52 from the B3620.491 Building Inspector Contracts and the sum of \$1,019.51 from the B8010.491 Zoning Contracts to Carr Business Systems for the contract term of July 1, 2024 through June 30, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

July 15, 2024 – continued

RESOLUTION NO. 288

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$1,024.85 from the A1110.440 Justice Court contracts account to CARR Business Systems for the contract term of February 28, 2024 through February 27, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 289

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$1,298.58 from the A1410.484 Office and Misc. account to Carr Business Systems for the contract term of November 12, 2023 through November 11, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 290

Councilman Dickson 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 \$1,952.06 from the B3620.491 BD contracts account to ICC Community Development Solutions for Municipality Annual Support for contract term of August 1, 2024 through July 31, 2025.

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 Supervisor Brach-Williams, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$400.00 from the A3120.491 PD contracts account to Maglocen, Inc, for the contract term of July 1, 2024 through June 30, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 292

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

BE IT RESOLVED, That 2024 general claims numbered 1207 through 1355 in the amount of \$163,546.65; 2024 Highway claims numbered 156 through 173 in the amount of \$14,627.37; and 2024 Community Preservation Fund claims number 9 through 11 in the amount of \$4,818.53 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

At 6:50 p.m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Scott Schlesinger, 11 Montclair Avenue, petitioned the Town of Shelter Island to remove existing steps to beach, remove 145' of existing bulkhead and construct 145' of new bulkhead, in-kind, in-place and reinstall steps to beach, as per plans prepared by Costello Marine Contracting Corp., dated March 15, 2019.

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

The Supervisor called for the report from the Waterways Management Advisory Council, which was as follows: Applicant is seeking a reissuance of an expired permit. WMAC noted the change of the contractor Haney which must adhere to approved plans prepared by the previous contractor Costello Marine, WMAC unanimously approved the application.

July 15, 2024 – continued

The Supervisor opened the hearing to all of those in favor of or opposition. There being no comments, the Supervisor declared the public hearing closed and reconvened the regular Town Board meeting.

RESOLUTION NO. 293

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

WHEREAS, Scott Schlesinger, 11 Montclair Avenue, petitioned the Town of Shelter Island to remove existing steps to beach, remove 145' of existing bulkhead and construct 145' of new bulkhead, in-kind, in-place and reinstall steps to beach, as per plans prepared by Costello Marine Contracting Corp., dated March 15, 2019, and

WHEREAS, a public hearing was duly held on the 15<sup>th</sup> day of July, 2024, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, that pursuant 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.

At 6:55 p.m., Councilwoman Larsen made a motion to adjourn. Councilman Dyett seconded. The motion was carried.

Amber Wilson  
Town Clerk

August 5, 2024

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 5<sup>th</sup> day of August, 2024. Town Board members present were Deputy Supervisor Margaret Anne Larsen, Councilmen Albert Dickson and Benjamin Dickson. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately twenty persons were also present. Supervisor Amber Brach-Williams was absent.

Deputy Supervisor called the meeting to order at 6:00p.m. Salute to Flag

Deputy Supervisor Larsen announced the public hearing on the proposed Local Law entitled “A LOCAL LAW amending Town Code Chapter 43, Entitled “Building Construction”, to Require Upon the Transfer of Real Property the Installation of an Innovative Alternative On- Site Water Treatment System”, will be adjourned due to no quorum.

#### RESOLUTION NO. 294

Councilman Dickson offered the following resolution, which was seconded by Deputy Supervisor Larsen, to wit:

WHEREAS, Robert and Elizabeth Jeffe, 17 Westmoreland Drive, have petitioned the Town of Shelter Island for permission to remove and replace, in-place, approximately 116 l.f. of existing timber bulkhead with vinyl bulkhead, and backfill with up to 25 c.y of clean sand/loam to be trucked in from an approved upland source, as per plans prepared by En-Consultants, dated May 12, 2024, 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 26<sup>th</sup> day of August, 2024, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 295

Deputy Supervisor Larsen offered the following resolution, which was seconded by Councilman Dyett, to witt:

WHEREAS, Mary Kaczmarek, 137 Ram Island Drive has petitioned the Town of Shelter Island for permission to remove and replace, in-place, approximately 140 l.f. of existing timber bulkhead with vinyl bulkhead, backfill with approximately 75 c.y. of clean sandy fill to be trucked in from an approved upland source, remove and replace, in-kind in-place, existing 3.5’ x 9’ wood steps, as depicted on the project plan prepared by En-Consultants, dated June 24, 2024.

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 26<sup>th</sup> day of August, 2024, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 296

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

WHEREAS, Bruce Wolosoff & Margaret Garrett, 60 Peconic Avenue, have petitioned the Town of Shelter Island for permission to install approximately 19 l.f. of 500 to 1,500 lb. armor stone landward of existing bulkhead return, renourish approximately 180 s.f. area of eroding bank with approximately 10 c.y. of clean sand to be trucked in from an approved upland source and planted with Cape American beach grass (18”o.c”, as depicted on the project plan prepared by En-Consultants, dated May 7, 2024.

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 6:08 p.m., prevailing time on the 26<sup>th</sup> day of August,

August 5, 2024 – continued

2024, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 297

Councilman Dickson offered the following resolution, which was seconded by Deputy Supervisor Larsen, to wit:

WHEREAS, sealed bids were received by the Commissioner of Public Works for the installation of three separate ground water monitoring wells at the Town of Shelter Island Recycling, and

WHEREAS, bids were read aloud as follows:

Clean Globe Environmental, LLC                      \$25,975.00, and

WHEREAS, it is the recommendation of the Commissioner of Public Works that the bid be awarded to Clean Globe Environmental, LLC, now, Therefore

BE IT RESOLVED, That the Town Board does hereby award said bid to Clean Globe Environmental, LLC for the aforementioned prices.

Vote:3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 298

Deputy Supervisor Larsen offered the following resolution, which was seconded by Councilman Dyett, to wit:

BE IT RESOLVED, that Andres Valencia is hereby appointed to serve as a Lifeguard for the year of 2024 at a rate of \$22.00 per hour, retroactive to July 30, 2024.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 299

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

BE IT RESOLVED, that Dylan Fox is hereby appointed to serve as a Lifeguard for the year of 2024, at a rate of \$22.00 per hour.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 300

Councilman Dickson offered the following resolution, which was seconded by Deputy Supervisor Larsen, to wit:

BE IT RESOLVED, that the following 2024 budget modification is hereby approved: \$1,478.60 increase to the A2680 Insurance Recovery revenue account, and a \$1,478.60 increase to the A1910.400 Unallocated Insurance expense account to be funded by the refund check from EPIC Insurance.

Vote:3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 301

Deputy Supervisor Larsen offered the following resolution, which was seconded by Councilman Dyett, to wit:

BE IT RESOLVED, that the following 2024 budget transfer is hereby approved: \$675.00 from A3120.100PS Personnel Services to A3120.484 Office & Miscellaneous for Safe Boating Instruction.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

August 5, 2024 – continued

RESOLUTION NO. 302

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$61,804.00 from the A3120.491 PD contracts account to the Town of Southold for the Police Dispatch agreement for the year of 2024.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 303

Councilman Dickson offered the following resolution, which was seconded by Deputy Supervisor Larsen, to wit:

BE IT RESOLVED, that the 2024 general claims numbered 1356 through 1511 in the amount of \$123,138.62; 2024 Highway claims numbered 174 through 193 in the amount of \$88,990.94; 2024 Community Preservation Fund claims number 12 through 13 in the amount of \$3,768.82; and 2024 Water Quality Improvement Fund claim number 14 in the amount of \$34.20 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: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

Deputy Supervisor Larsen announced the public hearing on proposed Local Law entitled “A LOCAL LAW amending Town Code Chapter 43, Entitled “Building Construction”, to Require Upon the Transfer of Real Property the Installation of an Innovative Alternative On-Site Water Treatment System”, will be adjourned until the next meeting held on August 26<sup>th</sup>, 2024, due to no quorum.

Deputy Supervisor Larsen called to order the public hearing to be held as advertised on the application of Karen Feuer, 146G North Ferry Road, to complete an existing dock that was repaired and subsequently rebuilt without a permit.

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

The Deputy Supervisor opened the hearing to all those in favor of or opposition.

Rob Hermann, En-Consultants, presented the application. Members of the public questioned the plans submitted compared to the original permit and any fines produced due to working without a permit. Councilman Dickson questioned the proposed walkway. There being no further comments, Deputy Supervisor Larsen made a motion to adjourn this hearing. Councilman Dyett seconded. Motion was carried.

Deputy Supervisor Larsen called to order the public hearing to be held as advertised on The Perlman Music Program, 73 Shore Road and 65 Stearns Point Road, for improvements to the existing summer camp facility.

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

The Deputy Supervisor opened the hearing to all those in favor of or opposition.

The Perlman Music Program presented their Site Plan Review application to the Town Board and stated the intent it to update the facilities, serve the public better and not to make the program larger. Members of the public comments in favor of the proposed application.

There being no further comments, Deputy Supervisor Larsen made a motion to adjourn this hearing. Councilman Dyett seconded. Motion was carried.

August 5, 2024 – continued

The Deputy Supervise 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 dock permits by the Town Board”.

Deputy Supervisor Larsen opened the hearing to all those in favor of or opposition. There being no comments, Deputy Supervisor made a motion to close this hearing. Councilman Dickson seconded. Motion was carried.

At 7:24 p.m., the Deputy Supervisor reconvened the regular meeting.

#### RESOLUTION NO. 304

Deputy Supervisor Larsen offered the following resolution, which was seconded by Councilman Dyett to wit:

WHEREAS, a public hearing was duly held on Monday, August 5, 2024, at 6:08 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 dock permits by the Town Board”, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 12 – 2024, of which provides as follows:

#### LOCAL LAW NO. 12 of 2024

##### Section 1. Legislative Intent.

Due to the increased growth and a spread of development throughout the town, including the requests for docks along Shelter Island’s fragile shoreline and a growing disparity between the Town code, as written, and the needs of our community, the Town Board enacted a three-month moratorium on the acceptance and review of all new and pending dock applications. In accordance therewith, the Town Board charged the Waterways Management Advisory Council (“WMAC”) to review the adequacy of our current dock code and to rewrite same 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 WMAC has finalized a draft amendment to the dock code and the Town Board is currently reviewing same. Therefore, it is necessary for the moratorium to be extended a second time to afford sufficient time for the Town Board to review, and set a public hearing on, the proposed amendment.

##### Section 2. Moratorium Extended Term.

Local Law No. 1 of 2024 imposing a three (3) month moratorium, and Local Law No. 4 extending subject moratorium requiring that no board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of a dock located within the Town of Shelter Island is hereby extended for an additional three (3) month period of time through November 23, 2024.

Except as otherwise amended herein, all of the provisions of Local Law No. 1 of 2024, shall be extended for an additional three (3) month period of time through November 23, 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

August 5, 2024 – continued

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 dock applications by three months to afford additional time

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Deputy Supervisor made a motion to close. Councilman Dyett seconded. Motion was carried.

Amber Wilson  
Town Clerk

August 20, 2024

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 20<sup>th</sup> day of August, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk 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 4:16 p.m.

RESOLUTION NO. 305

Supervisor Brach-Williams offered the following resolution, seconded by Councilman Dyett, to wit:

BE IT RESOLVED, that Jalill Carter is hereby appointed to serve as provisional Police Officer, retroactive to August 19, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:17 the Supervisor made a motion to close the Special Meeting, Councilwoman Larsen Seconded. The motion was carried.

Amber Wilson  
Town Clerk

August 26, 2024

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 26<sup>th</sup> day of August, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilwoman Margaret Anne Larsen, Councilmen Albert Dickson and Benjamin Dickson. Town Clerk Amber Wilson and approximately twenty-five persons were also present. Town Attorney Stephen Kiely was present via Zoom.

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

Salute to Flag

Supervisor Brach-Williams opened the meeting to anyone with comments to resolutions not subject to public hearing.

Correspondence included the following;

1. Resignation letter from Emily Kraus.

#### RESOLUTION NO. 306

Councilman Dickson 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 a Public Hearing to be held on the 16<sup>th</sup> day of September 2024 at 6:00 p.m., prevailing time at Town of Shelter Island Town Hall, 38 North Ferry Road Shelter Island, NY 11964 regarding the granting of a cable television franchise renewal agreement by and between the TOWN OF SHELTER ISLAND and SUFFOLK CABLE OF SHELTER ISLAND, INC, and

BE IT FURTHER RESOLVED, a copy of the cable television franchise agreement is available for public inspection during normal business hours at Shelter Island Town Hall at 38 North Ferry Road Shelter Island, NY 11964. At such public hearing all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement as necessary.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 307

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

WHEREAS, the Shelter Island Yacht Club, 11 Chequit Avenue, has petitioned the Town of Shelter Island for permission to perform a maintenance dredge 20' x 60' and 10' x 90' areas adjacent to existing bulkhead, totaling 2,100 s.f., to a maximum depth of -6' MLW; and barge approximately 95 cubic yards of sand spoil to an approved upland location, as depicted on the project plan prepared by En-Consultants, dated January 19, 2024. 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 16<sup>th</sup> day of September, 2024, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 3 in favor 0 opposed 1 Abstain

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 308

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

WHEREAS, David Hoffman, 40 South Midway Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.057881° north and longitude 72.340621° 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 6:04 p.m., prevailing time, on the 16<sup>th</sup> day of September,

August 26, 2024 – continued

2024, 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. 309

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

WHEREAS, Kristina Lange and Mark Burgess, 82 Smith Street have petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.05412° north and longitude 72.35637° 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 6:05 p.m., prevailing time, on the 16<sup>th</sup> day of September, 2024, 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. 310

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

WHEREAS, Bradley & Margaret Tolkin, 6 Charlies Lane, have requested to extend permit number 3743, issued August 8, 2023, to perform a maintenance dredge of 1,424 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, per plans prepared by Costello Marine, last revised May 24, 2023, now, therefore

BE IT RESOLVED, pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board does hereby approve said request.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 311

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

WHEREAS, Jennifer Rohrer, 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 56 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 16,000.00 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 \$16,000.00 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 0 opposed 1 Abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 312

Councilman Dyett offered the following resolution, which was seconded by Councilman Dickerson, to wit:

WHEREAS, Joshua and Kate Gardner, 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 4 North Silver Beach 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 16,000.00 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 \$16,000.00 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 0 opposed 1 Abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 313

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

BE IT RESOLVED, by the Town Board of the Town of Shelter Island that the Low Nitrogen Sanitary System Rebate previously authorized on January 22, 2024 per Resolution No. 70 to Michael Scaraglino for \$16,000 is adjusted to \$12,000 for the basic rebate and \$5,000 for pressurized shallow drain field.

Vote: 3 in favor 0 opposed 1 Abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 314

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

BE IT RESOLVED, by the Town Board of the Town of Shelter Island that Local Law No. 8 – 2024 previously adopted on June 3, 2024 per Resolution No. 218 is hereby amended to be listed as Local Law No. 13 – 2024.

Vote: 3 in favor 0 opposed 1 Abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 315

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

WHEREAS, the Deer and Tick Committee of the Town of Shelter Island have presented the Town Board with the mission statement of said committee, and

WHEREAS, the Town Board has reviewed the mission statement, now, therefore,

BE IT RESOLVED, that the mission statement provided by the Deer and Tick Committee is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

*SHELTER ISLAND DEER AND TICK COMMITTEE*

*MISSION STATEMENT*

*To advise the Shelter Island Town Board in measures deemed socially acceptable, environmentally sound and fiscally responsible in managing, monitoring, and maintaining the deer and tick populations as low as possible in an effort to decrease the risk and incidence of tick-borne diseases on Shelter Island.*

RESOLUTION NO. 316

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

WHEREAS, Elizabeth Galle on behalf of the Shelter Island Lions Club has submitted an Outdoor Assembly application for permission to hold the annual Snapper Derby at

August 26, 2024 – continued

40 North Ferry Road from 4:00 p.m. – 6:00 p.m., on August 31, 2024, and

WHEREAS, the required documents have been submitted, now, therefore,  
BE IT RESOLVED, said request is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 317

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

WHEREAS, Adrien Angelvy on behalf of the The Beach House, LLC has  
submitted an Outdoor Assembly application for permission to hold a private charity event for the  
Shelter Island Lions Club, to be held at 35 Shore Road on the 28<sup>th</sup> day of August, 2024, between  
the hours of 9:00 p.m. to 10:30 p.m., and

and WHEREAS, the applicant is requesting an exemption from the Noise Ordinance,  
and WHEREAS, the required documents have been submitted, now, therefore,  
BE IT RESOLVED, said request is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 318

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

BE IT RESOLVED, that Michelle Donohue is hereby appointed to serve as On Call As  
Needed/Home Delivered Meals Only Drive for the Senior Center Nutrition Program for the year  
of 2024, at the rate of \$28.85 per hour, effective August 26, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 319

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

BE IT RESOLVED, that Laurie de Poto is hereby appointed to serve as On Call As  
Needed Driver for the Senior Center at the rate of \$24.19 per hour, retroactive to August 12, 2024,  
and as a CDL Driver for the Senior Center at the rate of \$30.00 per hour, effective August 26,  
2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 320

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

WHEREAS, Patricia Castoldi was appointed to serve as part time Deputy Town Assessor  
for 20 hours per week, now, therefore,

BE IT RESOLVED, that said hours are hereby amended to be set at 25 hours per week,  
effective September 2, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 321

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

BE IT RESOLVED, that Kelsey Lechmanski is hereby appointed to serve as  
interim FIT Manager for the Recreation Department, at the rate of \$31.25 per hour, effective  
August 26, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

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RESOLUTION NO. 322

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

WHEREAS, in connection with the Nelson C. White Major Subdivision (SCTM #'s 70022-2-1; 2; 3; 5.2; 5.3; 5.6; & 5.7) there was a performance bond posted by the subdivider on December 28, 2021, pursuant to Section 111-22 of the Town Code of the Town of Shelter Island;

WHEREAS, the work associated with said bond consisted of the initial construction of Artist's Lane; and

WHEREAS, said work was completed as per a letter dated May 24, 2024, from the Planning Board; and now therefore be it

RESOLVED, that such bond is now therefore released, subject to the furnishing of, and acceptance by the Town Board, of a maintenance bond pursuant to the terms of Section 11124(A).

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 323

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$14.84 from LGE Coffee Bean for reimbursement to Police Department general ledger account A3120.484 for sales tax charged and paid via JP Morgan Commercial Card Solutions, for Marine Patrol food for the fireworks on July 13, 2024, sales tax was not paid via vouchers and the vendor has issued a check to the Town of Shelter Island as a refund.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 324

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$6,000 from the Senior Citizens Foundation of Shelter Island, Inc, an increase to A2705N- Nutrition Donations, and increase to A6772.400 – Nutrition Food.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 325

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

BE IT RESOLVED, that the following budget transfers are hereby approved;  
\$3,663 from A1355.100 Assessment Aide to A1355.101 Assessor P. Castoldi,  
\$11,413 from A1355.100 Assessment Aide to A1355.402 Summer Intern,  
\$1,180.00 from A1490.420 to A1490.484,  
\$890.04 from A8160.434 to A5010.400,  
\$275 from A5010.200 to A5010.400  
\$153.00 from A1490.413 to A5010.400,  
\$195.00 from A1490.420 to A5010.400,  
\$310.15 from A8160.408 to A5010.400,  
\$187.29 from A5010.492 to A5010.400,  
\$1,000.00 from A1490.410 to A8160.497,  
\$875.00 from A1490.410 to A8160.484,  
\$334.48 from A8160.495 to A8160.484,  
\$186.67 from A8160.408 to A8160.484,  
\$71.87 from A5010.400 to A8160.484,  
\$537.50 from A1490.420 to A8160.484,  
\$9,643 from A1990.400 Contingency to A1680.276 IT Equipment,  
\$1,000 from A1220.491 Contracts to A1220.484 Office & Miscellaneous,

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\$500 from A4210.410 Liaison to A4210.484 Office & Miscellaneous, \$8,000 from B1990.400 Part Town Contingent to B8020.497 Planning Board Professional Services.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 326

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

BE IT RESOLVED, that the 2024 general claims numbered 1512 through 1664 in the amount of \$204,548.78; 2024 Highway claims numbered 194 through 213 in the amount of \$15,473.45; 2024 Community Preservation Fund claims number 15 through 16 in the amount of \$9,883.11; 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 6:21 p.m., the Supervisor adjourned the regular meeting and called to order the public hearing to be held as advertised on the application of Robert and Elizabeth Jeffe, 17 Westmoreland Drive, to remove and replace, in-place, approximately 116 l.f. of existing timber bulkhead with vinyl bulkhead, and backfill with up to 25 c.y of clean sand/loam to be trucked in from an approved upland source, as per plans prepared by En-Consultants, dated May 12, 2024.

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

The Supervisor opened the hearing to all those in favor of or 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 application of Mary Kaczmarek, 137 Ram Island Drive to remove and replace, in-place, approximately 140 l.f. of existing timber bulkhead with vinyl bulkhead, backfill with approximately 75 c.y. of clean sandy fill to be trucked in from an approved upland source, remove and replace, in-kind in-place, existing 3.5' x 9' wood steps, as depicted on the project plan prepared by En-Consultants, dated June 24, 2024.

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 unanimously approved this application, 6-0.

The Supervisor opened the hearing to all those in favor of or 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 application of Bruce Wolosoff & Margaret Garrett, 60 Peconic Avenue, to install approximately 19 l.f. of 500 to 1,500 lb. armor stone landward of existing bulkhead return, renourish approximately 180 s.f. area of eroding bank with approximately 10 c.y. of clean sand to be trucked in from an approved upland source and planted with Cape American beach grass (18"o.c), as depicted on the project plan prepared by En-Consultants, dated May 7, 2024.

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 unanimously approved this application, 6-0.

The Supervisor opened the hearing to all those in favor of or opposition. Rob Herrmann from En-Consultants was present and gave a description of the proposed application. There being no comments, the Supervisor declared the hearing closed.

At 6:31 p.m., the Supervisor reconvened the public hearing on the application of Karen Feuer, 142G North Ferry Road, to complete an existing dock that was repaired and subsequently rebuilt without a permit, as per plans submitted by EN-Consultants.

Rob Herrmann from En-Consultants was present for the application. A revised site plan was submitted to show the mitigation and request from the Town Board and WMAC. Questions were raised regarding water, electric, benches, and length on the dock. After further discussion, the Supervisor declared this hearing closed subject to written correspondence until September 6<sup>th</sup>, 2024.

At 7:36 p.m., the Supervisor reconvened the public hearing on the Site Plan application of The Perlman Music Program, 73 Shore Road and 65 Stearns Point Road, for improvements to the existing summer camp facility. The Supervisor opened the hearing to all those in favor of or opposition. There being no comments, the Supervisor adjourned this public hearing until September 16, 2024, pending reports from the Conservation Advisory Council and Planning Board.

At 7:41 p.m., the Supervisor reconvened the public hearing on the proposed amendment to Town Code Chapter 43, Entitled “Building Construction”, to Require Upon the Transfer of Real Property the Installation of an Innovative Alternative On-Site Water Treatment System. Councilwoman Larsen recused herself.

Supervisor Brach-Williams called for any correspondence, which included the following:

1. A letter from Pam Demarest, Sandra O’Connor, Kimberly Noland, Angelo Piccozzi, and Robert DeLuca.

The Supervisor opened the hearing to all those in favor of or opposition. Members of the public had questions regarding the process, evaluations and studies of the proposed amendment. There being no further comments, the Supervisor adjourned this public hearing until September 16, 2024.

At 8:12 p.m., the Supervisor reconvened the regular meeting.

#### RESOLUTION NO. 327

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

WHEREAS, Robert and Elizabeth Jeffe, 17 Westmoreland Drive, have petitioned the Town of Shelter Island for permission to remove and replace, in-place, approximately 116 l.f. of existing timber bulkhead with vinyl bulkhead, and backfill with up to 25 c.y of clean sand/loam to be trucked in from an approved upland source, as per plans prepared by En-Consultants, dated May 12, 2024, and

WHEREAS, a public hearing was duly held on the 26<sup>th</sup> day of August, 2024, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, that 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)

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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. 328

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

WHEREAS, Mary Kaczmarek, 137 Ram Island Drive has petitioned the Town of Shelter Island for permission to remove and replace, in-place, approximately 140 l.f. of existing timber bulkhead with vinyl bulkhead, backfill with approximately 75 c.y. of clean sandy fill to be trucked in from an approved upland source, remove and replace, in-kind in-place, existing 3.5' x 9' wood steps, as depicted on the project plan prepared by En-Consultants, dated June 24, 2024, and

WHEREAS, a public hearing was duly held on the 26<sup>th</sup> day of August, 2024, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, 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. 329

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

WHEREAS, Bruce Wolosoff & Margaret Garrett, 60 Peconic Avenue, have petitioned the Town of Shelter Island for permission to install approximately 19 l.f. of 500 to 1,500 lb. armor stone landward of existing bulkhead return, renourish approximately 180 s.f. area of eroding bank with approximately 10 c.y. of clean sand to be trucked in from an approved upland source and planted with Cape American beach grass (18"o.c), as depicted on the project plan prepared by En-Consultants, dated May 7, 2024, and

WHEREAS, a public hearing was duly held on the 26<sup>th</sup> day of August, 2024, for all

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interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, that 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.

At 8: 20 p.m., the Supervisor made a motion to close the regular meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

September 13, 2024

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 13<sup>th</sup> day of September, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett, Councilwoman Margaret Anne Larsen and approximately four persons were also present. Town Attorney Stephen Kiely and Town Clerk Amber Wilson was present via Zoom . All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 10:30 a.m.

#### RESOLUTION NO. 330

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

WHEREAS, Michael DeSanctis has met the Civil Service requirements for Building Inspector, now, therefore,

BE IT RESOLVED, that Michael DeSanctis is hereby permanently appointed to serve as Building Inspector with a probationary period of 26 weeks.

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

At 10:32 a.m., the Supervisor declared the special meeting closed. Councilwoman seconded. The motion was carried.

Amber Wilson  
Town Clerk

September 16, 2024

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 26<sup>th</sup> day of August, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilwoman Margaret Anne Larsen, Councilmen Albert Dickson and Benjamin Dickson. Town Clerk Amber Wilson and approximately eighteen persons were also present. Town Attorney Stephen Kiely was present via Zoom.

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

Salute to Flag

#### RESOLUTION NO. 331

Councilman Dickson 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 Monday, October 7, 2024, at 6:02 p.m. to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 133, entitled "Zoning", to permit the voluntary merger of nonconforming lots, of which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

A LOCAL LAW amending Chapter 133, entitled "Zoning" to permit the voluntary merger of nonconforming lots,

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, based on New York State case law, there must be a mechanism afforded to residents who come into common ownership of adjoining dimensionally nonconforming lots to be able to voluntarily merge them into one lot.

#### Section 2. Amendment.

Article VI of the Shelter Island Code Chapter 133 (Zoning) entitled "Nonconforming Lots, Buildings, and Uses" is hereby amended by amending Section 133-22 (Merger of nonconforming lots) by adding the following underlined words:

§ 133-22 Merger of nonconforming lots.

[Amended 6-8-2012 by L.L. No. 3-2012; 7-27-2018 by L.L. No. 6-2018]

If at any time a dimensionally nonconforming lot is held in the same ownership as an adjoining lot, the owner may voluntarily merge the lots by submitting an application to the Town of Shelter

Island Assessor. Upon merger the lots may not be unmerged. When a lot is voluntarily merged with another lot with a nonconforming use, the nonconforming use may not be shifted or expanded to the merged lot and no other section or provision of the Town Code shall be considered suspended, repealed or waived by this resolution, and full compliance with all other provisions of the Town Code will continue to be required.

Section 7. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §267.

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 allow for the voluntary merger of a dimensionally nonconforming lot with an adjoining lot, if held in common ownership.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 332

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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 Monday, October 7, 2024, 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 53, entitled “Docks”, to update the Code to address current environmental conditions of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 53, entitled “Docks”, to update the Code to address current environmental conditions

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

Section 1. Legislative Intent.

This chapter shall regulate the use of Town-owned docks, piers, wharves and bulkheads; the size, placement, and use of commercial and private docks; the size, placement, and use of other water related structures including but not limited to groins and jetties; and the removal of materials from lands under water by dredging and other means. The Town Board of the Town of Shelter Island deems it in the public interest to regulate the presence, installation, use, size, impact, and placement of docks and other structures in order to preserve and protect Town Waters and the environment while accommodating reasonable use thereof by the general public for general recreational, fishing, and shellfishing and by adjacent upland owners for access to navigation.

Section 2. Amendment.

Chapter 53 (Docks), is hereby amended by adding or moving within the Chapter the underlined words and removing the stricken words as follows:

ARTICLE I  
General  
Provisions

§ 53-1. Title.

This chapter shall be known as the "Town of Shelter Island Dock Local Law."

~~§ 53-2. Applicability.~~

~~This chapter shall regulate the use of Town-owned docks, piers, wharves and bulkheads; the size, and placement of commercial and private docks; the size, and placement of other water control structures; and the removal of materials from lands under water. The Town Board of the Town of Shelter Island deems it in the public interest to regulate the use, size and placement of docks and other structures in order to optimize the use of Town-owned underwater lands by the general public for recreational, and shellfishing purposes while at the same time recognizing the riparian rights of upland.~~

~~§ 53-3. Statutory authority.~~

~~This chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law and the New York State Constitution.~~

~~§ 53-4. Enforcement.~~

~~The Dock Inspector, shall be a member of the building department of the Town of Shelter Island, and is hereby authorized and directed to enforce the provisions of this chapter.~~

§ 53-52. Definitions.

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

BOAT or VESSEL — Any floating object capable of being used as a means of transportation in water. ~~and including any airplane capable of landing on water.~~

BOATYARD — A commercial facility for maintenance, construction and/or repair of any type of watercraft with or without provision of supplies, storage, fueling or the retail sale of boats, motors and marine equipment.

CHANNEL — Water areas specifically reserved for unobstructed movement of vessels which may be marked by navigational aids permitted by the United States Coast Guard and/or the State of New York and/ or the Town of Shelter Island.

COMMERCIAL DOCK — A dock utilized for commercial purposes. Under this chapter, such dock shall be located in "B" Zoned property with title held by or be part of an existing commercial boatyard or marina and used and operated exclusively by a boatyard or marina.

COMMERCIAL VESSEL — A boat or vessel from which the owner obtains any a significant portion of his income and/ or which is documented or registered as a commercial/passenger vessel either with New York State or the United States Coast Guard, or such vessel that requires a commercial United States Coast Guard license be held for its operation.

DOCK — Any structure whether floating and/or fixed designed to accommodate a boat, such structure being attached at least on one end to the upland and elsewhere to the underwater lands below the mean ~~high water~~ high water mark, and including accessories to said structure, such as floats, dolphins, pilings, splashboards, anchors and anchor lines, ~~ramps~~, ladders, lifts, ~~and~~ hoists, ramps, boardwalks and other means of access. A permit for a dock shall run with ownership of the land and the tax lot number assigned to the upland shall be recorded in the application and permit.

DOCK INSPECTOR — The duly appointed Building Inspector, harbor master or other qualified, authorized individual of the Town of Shelter Island.

DOMICILIARY - A natural person who has actually and consistently lived within the Town of Shelter Island for a period of not less than one (1) year immediately preceding their application hereunder.

DREDGING - excavation of material from underwater lands.

ENTITY - A body, created by law, including but not limited to a corporation, company, limited liability company (LLC), partnership, trust, association, enterprise, or organization. The beneficial Owner(s) of which must be identified in any application submitted to the Town of Shelter Island under this Chapter.

FORESHORE — The passageway around the perimeter of Shelter Island between the mean high and mean low water ~~high and mean low water~~ marks.

INLAND WATERS – Exclusive of Outside Shoreline, all bays, creeks, harbors and the tributaries of the following bodies of water: Coecles Harbor including Congdon Creek, Foxen Creek and Cedar Island Cove; Bass Creek, Cabin Creek, Nicholl’s Creek, Smith Cove Basin, Mabel’s Creek, West Neck Harbor beginning at the base of Heron Lane (41.04762°N 72.33091°W) and including Dickerson Creek, Menantic Creek, West Neck Creek, West Neck Harbor, Silver Beach Lagoon and ending at Shell Beach Point (41.04707°N 72.33887°W); Crab Creek, and Dering Harbor beginning at Chequit Point (41.08792°N 72.35361°W) including Gardiners Creek and ending at Dering Point (41.09489°N 72.34787°W).

MARINA - A commercial waterfront facility having the primary function of providing rental space for berthing vessels, with or without provision for sales of food and beverages, general supplies, fuel, boats and equipment, vessel repairs and maintenance, and the rental of commercial moorings.

MEAN LOW WATER – For each location, the average of all of the low water heights observed over the most recent National Tidal Datum Epoch (NTDE) by using the most geographically relevant and most recent NOAA data.

MEAN HIGH WATER – For each location, the average of all of the high water heights observed over the most recent National Tidal Datum Epoch (NTDE) by using the most geographically relevant and most recent NOAA data.

OUTSIDE SHORELINE – The entire external shoreline of Shelter Island which does not interface with Inland Waters and does not extend beyond the boundaries established for Inland Waters.

OWNER(S) — The ~~p~~Person(s) or ~~e~~Entity(ies) in whose name the upland to which the dock is connected is/are recorded in the office of the Suffolk County Clerk.

PERMITTEE — The ~~o~~Owner to whom a dock permit has been issued.

PERSON – A natural person, human being as distinguished from a person such as a corporation or other entity created by operation of law.

PIER LINE – a line seaward of mean high water by a distance which is the average length of at least two (2) existing docks located among three (3) contiguous, buildable upland parcels. Where three (3) or more existing docks are located on contiguous upland parcels, the Pier Line shall be the average length of all such docks. Applicable dock lengths shall be those existing at the time of this provision's adoption and at least one existing dock is adjacent to applicant’s location.

PLEASURE VESSEL — All boats or vessels other than government, commercial and institutional, such as Not for Profit organizations, schools and research facilities.

PRIVATE DOCK — A dock utilized by the ~~o~~Owner or occupant to accommodate for pleasure vessels or resident owned commercial fishing vessels. ~~and/or recreational purposes.~~

RESIDENT — Includes all domiciliaries, and all persons and entities who have ~~actually and consistently resided~~ owned real property within the Town of Shelter Island which has been developed or may be developed pursuant to the Town’s applicable Code Chapters, for a period of

not less than ~~six months~~ one (1) year immediately preceding their application for a permit hereunder, ~~and/or owners of real property situate in the Town of Shelter Island.~~

RIPARIAN RIGHTS — The ~~entitlement right~~ right of the ~~owner~~ Owner of upland property fronting on a body of water to reasonable access to ~~and use of such~~ navigable water.

SHORELINE — The interface of waterway and upland, at specified location and tidal condition. TOWN DOCK — A dock or pier owned or managed by the Town.

TOWN WATERS — All waters and land below the mean ~~high-water~~ high water mark over which the Town of Shelter Island has jurisdiction.

UPLAND – Land located above the mean ~~high-water~~ high water mark.

UNSUITABLE LOCATIONS – areas impacted by one or more of the following: exposure to wave action driven by wind and/or boat traffic; lack of adequate depth; comprised of pristine, preserved or public beaches; and, therefore inappropriate for the construction or installation of new docks due to potential harm to individuals, real and/or personal property and the environment. Such areas are designated as follows:

Section A – Hay Beach Point (41.10715°N 72.33475°W) to Reel Point (41.06939°N 72.28102°W)

Section B – Sungic Point (41.06893°N 72.28318°W) to Nicholl's Creek (41.05395°N 72.31343°W)

Section C - Jennings Point (41.07173°N 72.38388°W) to Shell Beach Point (41.04707°N 72.33887°W)

WATER CONTROL RELATED STRUCTURE — Is a structure other than a dock, including but not limited to, bulkheads, groins or jetties intended to manage the impact of water upon the adjacent land. a bulkhead, pile, building, pier, wharf, jetty, groin, dolphin, dike, dam or other structure, any part of which is embedded in or attached to land below water or within the limits of the foreshore.

~~WATER FRONTAGE~~ — ~~The line along the mean high-water mark which defines the interface between a lot and the waterway.~~

## ARTICLE II Town-Owned Docks, Piers and Wharves

§ 53-63. Legislative findings.

It is hereby determined that the existing docks, piers ~~and~~, wharves ~~and bulkheads~~ of the Town of Shelter Island located at ~~Congdon's Creek at the easterly terminus of Congdon Road and at Dering Harbor at the easterly terminus of Bridge Street~~ in the Town of Shelter Island are hereby established as self-supporting improvements, pursuant to § 141 of the Town Law of the State of New York.

~~§ 53-7. Permit required.~~

~~No person shall moor or secure a boat at the docks, piers and wharves located either at Congdon's Creek or at Dering Harbor without first obtaining a permit from the Town Clerk, except as hereinafter provided. Said permits shall include a sticker, which must be displayed on the authorized boat adjacent to the displayed registration number.~~

~~A. Congdon's Creek dock, pier and wharves:~~

~~(1) A dock permit may be issued for any type of boat with a minimum length of 12 feet.~~

- (2) Any such permit shall be valid for a term ending March 31 of each year. During the transition to this annual renewal date, permits shall be issued for varying periods all to terminate March 31, 2012.
- (3) No slip shall hold more than one boat which shall be no longer than 35 feet length overall. The beam of the boat shall be less than the distance between the standoff piles for the slip for which the permit is issued.
- (4) Each applicant for a permit or permit renewal for a slip shall provide the Town Clerk with the applicant's name, proof of residency, proof of his ownership of boat, description of boat, number and name of boat and proof of proper registration. A current photo of the boat must be submitted with the initial permit application. Any permittee must own the same boat at the time the permit is issued within 60 days thereafter.
- (5) Initial and renewal permits may be obtained directly from the Town Clerk upon submission of proof satisfactory to the Town Clerk that said permittee is a resident of the Town of Shelter Island and owns the same boat as described on the permit. If such permittee wants to berth a different boat, he must provide the Town Clerk with proof of his ownership of such boat, a description of the boat, its name and registration number and proof of proper registration of boat. Slips not renewed by April 1, 2012, and every year thereafter, including mail renewals postmarked after April 1, shall be assigned by the Town Clerk to the next applicant on the wait list.
- (6) The Town Board from time to time may establish, on its own motion, the fees for docking and mooring of boats and for the wait list.
- (7) No person shall moor or secure a boat at the end of the dock more than two consecutive hours, nor shall any boat so secured or moored exceed 30 feet in length. A dock permit shall not be required in this event.
- (8) In the event that there are more applications than available spaces, a wait list will be established to determine the awarding of permits. A person must meet residency requirements to be placed on the wait list and supply their name and contact information. A person on the waiting list who qualifies for a sublet may remain on the waiting list for a slip assignment.
- (9) A permittee who is unable to have his/her boat in slip from July 1 through September 30 (high season) must notify the Town Clerk by June 1. The Town Clerk will offer the slip for a high season sublet to the next interested applicant on the wait list. If the applicant accepts, all the information for a new permit application must be submitted, and the permit fee paid to the Town Clerk for that high season period, and the Town Clerk will issue a permit for occupancy during that high season. The original permittee may only do a high season sublet twice during his slip tenancy.
- (10) Off-season sublet: October 1 through June 30. A permittee may allow another person to use his slip from October 1 through June 30 provided he notifies the Town Clerk, and the sub-lessee submits all the information for a new permit application and pays the permit fee to the Town Clerk for that off-season period, and the Town Clerk will issue a permit for occupancy during that off-season.
- (11) If permittee dies, the permit for that slip may be transferred only to a surviving spouse, providing they meet all requirements of this chapter.
- (12) All permittees, including sub-lessees, shall comply with the provisions of this chapter. Upon a second violation of this chapter, the permit may be revoked after a noticed hearing before the Waterways Committee.

~~B. Dering Harbor dock, pier and wharves.~~

~~(1) A dock permit may be issued for the west side of the dock for a period of nine months, extending from September 15 through the following June 15. The use of the west side of the dock shall be limited to resident commercial vessels.~~

~~(2) Applications for a permit for resident commercial vessels shall be made no later than September 16 of each year. In the event that there are more applications than available spaces, a lottery will be held to determine the awarding of permits. If there are more spaces than applications, the Town Board reserves the right to continue to accept additional applications for spaces remaining. Otherwise, the use of the west side of the dock shall be in accordance with Subsection B(5) herein.~~

~~(3) Each applicant shall provide the Town Clerk with his name, Shelter Island address, proof of his ownership of boat, description of boat, number and name of boat and proof of proper registration.~~

~~(4) During the period from June 15 to September 15 of each year, no person shall moor or secure a boat for more than two consecutive hours. A dock permit shall not be required in this event.~~

~~(5) During the period from September 16 to June 14 of each year, a boat may be moored or secured for no more than 10 consecutive days on one occasion during such period, provided that the Town Clerk has been notified, in writing, of the same.~~

~~(6) The Town Board from time to time may establish, on its own motion, the fees for docking or mooring of boats.~~

§ 53-8.4 Additional regulations: Docking; Permit Required; Fees; Temporary Use

~~A. No person shall live or reside on a boat docked, secured or moored at any Town-owned dock, pier, wharf, bulkhead or similar facility within the Town.~~

~~B. No person shall moor or secure a boat for more than two consecutive hours at the Town-owned bulkhead at Grace's Lane in Dickerson Creek, except that during designated scallop season, a resident with a shellfish permit issued by the Town of Shelter Island may use the floating dock or bulkhead for purposes relating to the taking of scallops only; provided, however, that any such boat shall not exceed 25 feet in length and must be moored or secured parallel to the floating dock or bulkhead.~~

~~C. No person shall moor or secure a boat on the end or east face of the Town-owned dock at Daniel Lord Road. The west face along the launching ramp is for active launching, hauling, loading, and unloading of boats only and has a ten-minute docking limit.~~

~~D. Acceptance of a permit under this chapter shall constitute an agreement that the permit holder will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with the mooring or securing of his boat, nor is the Town responsible for loss, damage or theft of boats and/or other contents or to any other private property.~~

~~E. The Town Board reserves the right to enact additional rules and regulations with respect to mooring or securing boats at docks, piers, wharves, bulkheads or similar facilities owned by the Town of Shelter Island. Any permit hereafter issued shall be issued subject to the permittee conforming to any rules and regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board.~~

A. No person shall overnight aboard a vessel docked, moored or secured to any Town-owned dock, piers, wharves, bulkheads or other similar Town-owned structures.

B. No person shall dock, moor or secure any vessel to any Town-owned dock, piers, wharves, bulkheads or other similar Town-owned structures without first obtaining a permit as prescribed by this chapter.

C. Notwithstanding the above, no permit shall be required to dock, moor or secure a vessel to the following:

(1) Congdon Creek Bulkheads, while actively loading, unloading, hauling or launching a vessel.

(2) Dering Harbor Town Dock, between June 15<sup>th</sup> and September 15<sup>th</sup> for no more than two (2) consecutive hours.

(3) Dering Harbor Town Dock, between September 16<sup>th</sup> and June 14<sup>th</sup> for no more than 10 consecutive days on one occasion during such period, provided that the Town Clerk has been notified, in writing, of the same.

(4) Daniel Lord Road Town Dock, while actively loading, unloading, hauling or launching a vessel.

(5) Grace's Lane Bulkheads and Public Floating Dock, for no more than two (2) consecutive hours.

D. Types of Permits

(1) A Congdon Creek Town Dock Permit shall entitle the holder thereof to dock, moor or secure a vessel to the Congdon Creek Town Dock subject to the rules and regulations of such permit.

(2) A Dering Harbor Town Dock Permit shall entitle the holder thereof to dock, moor or secure a vessel to the Dering Harbor Town Dock, between September 16<sup>th</sup> and June 14<sup>th</sup>, subject to the rules and regulations of such permit.

(3) A Dickerson Creek Town Dock Permit shall entitle the holder thereof to dock, moor or secure a vessel to the Grace's Lane Bulkheads and Public Floating Dock between September 16<sup>th</sup> and June 14<sup>th</sup>, subject to the rules and regulations of such permit.

(4) A Shore Road Town Dock Permit shall entitle the holder thereof to dock, moor or secure a vessel to the Shore Road Town Dock pursuant to a license or lease agreement executed by the Town Board.

E. Permit Rules and Regulations

The rules and regulations for the permits listed above shall be established by the Waterways Management Advisory Council and approved by resolution of the Town Board. Such terms and conditions shall be periodically reviewed and amended, as needed.

F. Fees

The Town Board may, by resolution, set and from time to time adjust the fees to be paid for each type of permit and inspection.

G. Temporary Use

Notwithstanding the above, nothing in this section shall prohibit the temporary use of any Town-owned dock, piers, wharves, bulkheads or other similar Town-owned structures as authorized by the Shelter Island Town Police Department or applicable authority.

- H. Acceptance of a permit under this chapter shall constitute an agreement that the permit holder will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with the mooring or securing of his boat, nor is the Town responsible for loss, damage or theft of boats and/or other contents or to any other private property

The Town Board reserves the right to enact additional rules and regulations with respect to mooring or securing boats at docks, piers, wharves, bulkheads or similar facilities owned by the Town of Shelter Island. Any permit hereafter issued shall be issued subject to the permittee conforming to any rules and regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board.

ARTICLE III  
Commercial and Private Docks

§ 53-95. Permit application.

- A. A permit shall be required for the construction, alteration or modification of a dock, which includes the extension of utilities, such as but not limited to, water, electric, cable and telephone. Additionally, the extension of utilities requires a permit issued by the building department of the Town of Shelter Island. The repair of an existing previously permitted dock shall not require a permit unless permit shall not be required for the repair of a dock, except in any of the following circumstances:

(1) ~~When~~ The total cost for such repair of an existing dock exceeds \$10,000.

(2) ~~When~~ The repair is other than in kind and in place.

(3) ~~When~~ No previous permit has been issued for the construction of a dock.

(4) ~~(3) When less than 30%~~ Less than fifty percent (50%), as determined by the Dock Inspector, of the original structure's supporting members, such as pilings and framing, remains in a structurally sound condition.

(5) ~~(4) Extension of utilities (including water, electric, cable and telephone) to a dock requires a building permit issued by the Town Building Department.~~

- B. Applications for permits shall ~~may~~ be made by the ~~owner~~ Owner or the agent of the ~~owner~~ Owner utilizing ~~standard forms available from the~~ issued by the office of the Town Clerk and shall include the tax lot number assigned to the adjacent upland.

- C. Each permit application for a ~~new dock~~ shall include ~~be accompanied by~~ the following:

(1) For new construction only:

(1) ~~(a)~~ (a) A certified survey of the Owner's property on which the proposed dock is to be located, indicating the zoning district and showing property lines, exact location of the proposed dock and other structures, existing in-water structures, any unusual natural features on the property and adjacent waters and depths to the nearest tenth of a foot at five-ten foot intervals to the end of the dock, measured at mean low water, as determined by a licensed surveyor. In the event the survey provided does not include all in-water structures and unusual features currently existing on the property, then a new survey shall be required.

~~(2)~~ (b) An accurately dimensioned scale drawing of the proposed dock in plan and elevation format showing the structural design details of the dock, including the location and type of services and utilities (including water, electric, cable, internet and telephone).

~~(3)~~ For new construction, modifications, alterations and permit required repairs:

(a) Specifications for the construction materials to be used.

~~(b4) Any~~ copies of applications and permits ~~related to~~ issued by other agencies as ~~may be required~~, such as New York State Department of Environmental Conservation and/or the US Army Corps of Engineers.

~~(c5)~~ A statement signed by the Owner that the materials and design of the dock will meet all pertinent federal, state, county and Town regulations.

~~(d6)~~ A statement signed by the Owner that acceptance of a permit shall constitute an agreement that the permittee:

(i~~a~~) Will indemnify and hold the Town of Shelter Island and its authorized representatives harmless from any and all liability or responsibility in connection with any property damage, loss, theft of boat, or boat's contents, or bodily injury that may occur as a result of the issuance of a permit hereunder, ~~nor is the Town responsible for the loss, damage or theft to boats and/or their contents;~~ and

(i~~i~~b) Consents to the entry on the property by the Dock Inspector or other authorized representatives of the Town in order to make such inspections as the Town may deem necessary to ensure compliance with the terms and conditions of the permit.

~~(e7)~~ The following proof of insurance in force:

(i~~a~~) From the Owner, a certificate of insurance for at least \$300,000 liability on the location and operations covered by said permit; and

(i~~i~~b) From the contractor performing the operations covered by said permit, an Owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least \$500,000 covering operations of the contractor pursuant to said permit.

~~(f8)~~ The requisite fee to be determined by the Town Board.

~~(g)~~ A copy of a wetlands application permit issued pursuant to Chapter 129, if required.

~~(h9)~~ Any other information which the Town Board may deem necessary.

D. In addition to the above, it shall be a prerequisite for a complete application that each extreme seaward corner of the footprint of the offshore location of ~~for~~ the fixed or floating portion of the proposed dock be clearly delineated by a minimum of four with a stakes and that additional stakes be placed at the intersection of the mean high water mark with the proposed dock and the upland property boundaries nearest the dock. The location of any dolphin shall also be marked with a stake. The locations to be marked by these stakes shall be specifically labeled and ~~of these stakes should~~ correspond exactly to the configuration of the proposed dock on the scale drawing accompanying the permit application.

E. An applicant for new dock construction must be a resident, as defined in this Chapter, and be the Owner of the subject location for a period of not less than one (1) year immediately preceding their application for a permit hereunder.

F. Every applicant shall authorize the Dock Inspector, members of the Waterways Management Advisory Council, members of the Town Board, and other Town Officials and agents to enter onto the subject property.

G. Every applicant shall submit application and permit fees. The Town Board may, by resolution, set and from time to time adjust the fees.

§ 53-9-1-6. Permit issuance ~~and~~ terms.

A. All applications for permits shall be subject to a public hearing, except that applications to repair or maintain in kind and in place conforming and nonconforming, ~~replace or reconstruct any docks devices or structures included in this article shall~~ may be granted or denied by the Town Board without a public hearing. In making its determination, the Town Board shall consider the recommendations of the Waterways Management Advisory Council ~~Committee of the Town Board~~ and a report on the subject dock which shall be issued by the Dock Inspector.

- B. The validity of any permit issued shall be conditioned on the issuance of permits from other governmental or municipal authorities, including but not limited to the New York State Department of Environmental Conservation and the US Army Corps of Engineers as may be required.
- C. A permit will expire 12 months from the date of issuance. A permit may be extended by resolution of the 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.
- D. Acceptance of a permit and certificate of completion shall constitute an agreement that it shall be the applicant's and subsequent Owner's responsibility to ensure ~~endure~~ proper usage of the structure at all times, to maintain the structure in conformance with these regulations and in the interests of public safety and protection of the waterways and not to obstruct any rights of the public as may exist to use Town Waters and that such responsibilities survive expiration of the permit ~~the underwater lands.~~
- E. Acceptance of a permit and certificate of completion shall also constitute an agreement that the Owner and the subsequent Owner(s) shall indemnify and hold the Town of Shelter Island and its authorized representatives harmless from any and all liability or responsibility in connection with any property damage, loss, theft of boat, or boat's contents, or bodily injury that may occur as a result of the issuance of a permit hereunder ~~hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damage that may arise from the issuance of this permit.~~
- F. No dock construction may be commenced under the permit until the Building Department is notified by the dock contractor of the date construction will commence.
- G. No certificate of compliance certifying satisfactory completion of a new dock, or other dock improvement designated by the Town Board, shall be issued until a survey showing the as-built location is submitted to the Building Department and determined by that department to be in conformance with the original plans, design and survey.
- H. ~~In addition to any other rights conferred, a~~ A permit and certificate of completion shall convey a nonexclusive right to use public bottom land owned by the Town of Shelter Island upon which any legally permitted dock is located.
- I. Upon the transfer of any property, improved with a dock, the certificate of compliance shall be updated to include the new owner's name and an inspection shall be conducted by the Dock Inspector to ensure that the subject dock is in good repair.
- J. At least 30 days prior to a public hearing for existing dock alteration, modification or new dock construction, the applicant shall mail notice of the time, date, place and nature of the hearing to the owners of record of every property 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 and an affidavit with postal receipts annexed thereto confirming mailing of said notices. Failure to submit such an affidavit shall result in the adjournment of the public hearing.

~~§ 53-9.2. Limitations on fresh water docks.~~

- ~~A. No fixed dock, float or ramp, platform or other structure shall be constructed upon any body of fresh water owned by the Town of Shelter Island and no permit shall be issued for any such construction.~~
- ~~B. Preexisting nonpermitted and nonconforming structures existing as of June 30, 2020, are exempt from the standards set forth in § 53-9.2A of this chapter subject to the following:~~
  - ~~(1) They may be repaired or replaced in kind and in place; or~~
  - ~~(2) They may be altered, modified, or repaired where after review, is determined by the Town Board that any changes significantly lessen the preexisting nonconformity; or~~

- ~~(3) Any structure, deteriorating, damaged, or destroyed by any cause, including an act of God where 30% or more of the original structure is usable and shall be permitted to remain so long as the repairs are in kind and in place or are determined by the Town Board to significantly lessen the preexisting nonconformity.~~

~~§ 53-10. Fees.~~

- ~~A. Permit fees for construction, alteration, modification or repair of a dock shall be established by resolution of the Town Board.~~
- ~~B. Permit fees for work on commercial docks shall not be more than twice that charged for private dock permit fees.~~

§ 53-11 7. Design and construction of private and commercial docks.

- A. A dock shall not be an impediment nor a menace to navigation or constructed in areas identified as unsuitable and shall ~~at all times~~ always provide and allow suitable and unobstructed passageway around or over such dock so that the public will have free unobstructed passage along the foreshore of Shelter Island. No more than one (1) dock shall be attached or connected to any parcel of upland.
- B. ~~The location of a dock shall cross the water frontage of a lot with~~ intersection of a dock with the mean high water mark shall meet the same setback requirements ~~from the extremes of that water frontage~~ as apply for the principal dwelling on that lot, but in no case less than 25 feet from any adjacent lot. The dock shall extend seaward in a direction and configuration that does not intrude on neighboring lots' equivalent rights to current or future Chapter compliant dock location.
- C. Length and depth of docks.
- (1) At mean ~~low water~~ low water, a private dock may not extend into the waterway farther than the equivalent of 15% of the ~~shortest~~ distance at mean ~~low water~~ low water from the point on the shoreline where the dock is located to the closest point on the opposite shoreline. Measurements are to be taken at the point where the proposed dock intersects the shoreline and over a ninety (90) degree arc with the proposed dock at the center of the arc. A channel with a minimum width of forty (40) feet and a minimum depth of two and one half (2.5) feet at mean low water shall be maintained between the terminus of the proposed dock and any existing dock or future Chapter compliant dock located, or potentially located, on the opposite shoreline.
- (2) A private dock may not:
- a. If fixed, terminate at a point where the mean low water depth is less than two and one half (2.5) feet; if a float is used, no portion of the float shall be in mean low water that is less than two and one half (2.5) feet deep;
- b. ~~e~~Extend either more than 100 feet offshore from the ~~shoreline at mean high-water mark on~~ the owner's upland property at mean high water or beyond the point where mean ~~low water~~ low water depth reaches four feet, whichever of these two conditions occurs sooner.
- (3) A private dock may not extend in total linear measure of all fixed portions of the dock, walkways, ramps, floats and distance to tie-off pilings or dolphins more than one and one half times the specified maximum allowable off-shore distance of the dock as measured from the shoreline at the owner's upland property at mean high water.
- (4) Pier Line exception: In the event a proposed private dock does not meet the requirements of 53-7(C)2(a) at a point one hundred (100) feet from the shoreline at the applicant's property at mean high water and the Pier Line adjacent to the

applicant's property is greater than one hundred (100) feet, then the proposed dock may be extended as far as the Pier Line in order to meet the required depth of two and one half (2.5) feet at mean low water.

- (5) ~~(4)~~ A commercial dock may not:
- a. Terminate at a point where mean low water depth is less than two and one half (2.5) feet;
  - b. ~~eExtend~~ either more than ~~300~~ one hundred (100) feet offshore from the ~~mean high-water mark~~ shoreline of the owner's upland property at mean high water, or beyond the point where the ~~mean low-water depth at mean low water~~ reaches six (6) feet, whichever of these two alternative conditions occurs sooner.
- (6) Length Exception: along the Outside Shoreline, at locations not previously developed by a dock, in the event a proposed dock does not reach a depth of four (4) feet at mean low water at a point one hundred (100) feet from the shoreline of applicant's property at mean high water, then the dock length may be extended to one hundred twenty five (125) feet, if such extension increases the depth at mean low water to at least four (4) feet.
- D. Width of docks.
- (1) A private dock, exclusive of floats, but including walkways and ramps, shall be no wider than five feet except where any portion of the dock, walkways or ramps pass over rooted vegetation, in which case the width shall be limited to four (4) feet of open grating deck material; the deck area of floats shall be no greater than 200 square feet.
  - (2) A commercial dock, exclusive of floats, but including walkways and ramps, shall be no wider than ~~10~~ eight (8) feet; floats shall be no wider than ~~12~~ eight (8) feet.
- E. Any waterway's illumination, whether dock-mounted or shore-mounted, shall be focused downward and shall not directly light an area more than 10 feet beyond the foreshore or the footprint of the dock. ~~Any illumination presently in existence shall be in compliance with this subsection no later than six months after the adoption of this chapter.~~
- F. Private dock installations to store or convey fuel or sewage are prohibited ~~shall not be permitted.~~
- G. Splashboards are discouraged but may be allowed if after review and consideration of the criteria set forth under section 16 of this Chapter, the Town Board determines they are suitable.
- H. Chocking or blocking of floats is prohibited in areas where depth is less than two and one half (2.5) feet at mean low water.
- I. Boatlifts at private docks are prohibited.

§ 53-~~12~~ 8. Existing docks.

A. The following are exempt from the standards set forth in § 53-~~7~~ of this chapter:

- (1) Any dock in existence prior to the adoption of this chapter that is maintained, or repaired in kind and in place; or
- (2) Any alteration, ~~or modification, or repair~~ to a preexisting nonconforming dock which, after review, is determined by the Town Board to significantly lessen the preexisting nonconformity; or
- (3) Any repairs of a dock, deteriorating, damaged, or destroyed by any cause, including an act of God where, as determined by the Dock Inspector, 30% 50% or more of the original structure's supporting members, such as pilings and framing, remain in a structurally sound condition is usable and shall remain so long as the repairs are in kind and in place or are determined by the Town Board to significantly lessen the preexisting nonconformity; and

B. Upon application for the repair, modification or alteration of an existing dock the dock shall be inspected by the Dock Inspector to determine the structure's condition and structural integrity.

§ 53-13 ~~9.~~ Responsibilities Limitation on Fresh Water Docks.

- ~~A. Acceptance of a permit shall constitute an agreement that it shall be the owner's responsibility to ensure proper usage of the dock at all times, to maintain the dock and all appurtenances and equipment in conformance with these regulations and in the interests of public safety and protection of the waterways and to not obstruct the right of the public to pass along the foreshore between the mean high and low water marks.~~
- ~~B. Acceptance of a permit shall also constitute an agreement that the owner will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damage that may arise from the issuance of this permit.~~
- ~~C. Should the Dock Inspector determine that a dock has become a threat to life or property or a menace to navigation, he shall immediately notify the Town Board. Upon receipt of such notice, the Town Board shall direct the Dock Inspector to notify the owner of his findings regarding the condition of the dock by certified and regular mail and by posting such notification upon the owner's property of his findings regarding the condition of the dock. In the event that the owner does not remove or repair the dock within the time required by the Dock Inspector, the owner shall be notified by certified and regular mail that the Town will make any necessary repairs to render the dock safe at the owner's expense. Should the dock require removal, the owner shall be notified by certified and regular mail of the Town's intention to make an application to the Supreme Court, Suffolk County, for an order determining the dock to be a threat to life or property or a menace to navigation and directing that it be removed by the Town with all expenses incurred in this proceeding and the removal to be borne by the owner.~~
- A. No fixed dock, float or ramp, platform or other structure shall be constructed upon any body of fresh water owned by the Town of Shelter Island and no permit shall be issued for any such construction.
- B. Pre-existing non-permitted and non-conforming structures existing as of June 30, 2020 are exempt from the prohibitions set forth in Section 53-9(A) of the Chapter subject to the following:
1. They may be repaired or replaced in kind and in place; or
  2. They may be altered, modified, or repaired where after review, it is determined by the Town Board that any changes significantly lessen the preexisting nonconformity; or
  3. Any structure, deteriorating, damaged, or destroyed by any cause, including an act of God where, as determined by the Dock Inspector, 50% or more of the original structure's supporting members, such as pilings and framing, remain in a structurally sound condition so long as the repairs are in kind and in place or are determined by the Town Board to significantly lessen the preexisting nonconformity.

§ 53-14 10. Regulations regarding living or residing on boats at docks.

- A. No person shall live or reside for more than one week on a boat berthed at a private dock, nor shall an owner cause permit or allow overnight occupancy within a vessel berthed at such private dock to another person for money or any other valuable consideration.
- ~~B. Any person who shall live or reside for more than 48 hours on a boat with a head (bathroom) at a private dock must maintain a written log indicating a pump out at least once per week and have such log as well as written documentation (such as a receipt from the pump out facility) available for inspection by the dock inspector or bay constable upon request.~~
- ~~B~~C. No person shall live or reside on a boat at a commercial dock for any length of time without the expressed permission of the dock or marina owner and comply with all of the marina's policies regarding pump-outs, and discharge, and all relevant laws and regulations.

C D. Any ~~boat vessel~~ equipped with a head docked within the waters of the Town of Shelter Island shall:

- (1) ~~m~~Maintain the the boat's Y valve in a closed and secured position and make the equipment available for inspection by the dock inspector, ~~or~~ bay constable, harbormaster or other authorized individual performing such functions.
- (2) Maintain a written log indicating dates when the boat's marine waste storage tank was pumped out and make the log available for inspection by the dock inspector, bay constable, harbor master or other authorized individual performing such function.

§ 53-14.1 11. Storing and securing seasonal floating docks.

- A. Any floating docks and ramps may not rest on or be stored in any vegetated tidal wetland.
- B. Floats that remain in the water when not in use must be properly secured and remain in the area designated in § 53-14 7 A and B and not otherwise violate any provision of this chapter.

§ 53-15 12. Waivers.

The Town Board shall have the authority to modify or waive, subject to any appropriate conditions, any provision(s) of this chapter as in its judgment is ~~not requisite to~~ in the interests of the public health, safety and general welfare, except where such waiver would be contrary to other ordinances or state law. Such waiver(s) shall only be granted by the unanimous vote of the Town Board. A request for such waiver shall ~~may~~ be initiated by written request to the Town Board accompanied by documentation that fully explains and supports the reasons for the request. Additional information may be sought from the applicant(s) seeking the waiver, at the discretion of the Town Board. The Town Board reserves the right to seek an opinion from the Waterways Management Council in connection with a waiver request and shall issue a written reasoned decision if such waiver is granted. The unique conditions that resulted in the granting of a waiver, which shall apply solely to the applicant's location, shall be recorded and made a part of any waiver granted. Regarding applications for design standard waivers the Town Board shall at the minimum consider:

- A. All possible Code complaint alternatives.
- B. Unique site conditions.
- C. The criteria enumerated in § 53-16.
- D. Whether the waiver request arises from a self-created hardship.

ARTICLE IV  
Other Water ~~Control~~ Related  
Structures

§ 53-16 13. Permit required.

No person or entity shall construct, ~~alter, modify,~~ repair, replace or reconstruct or place any bulkhead, pile, splashboard, wave curtain, float, building, pier, wharf, jetty, groin, dolphin, dike, dam or other water ~~control device or other~~ related structure, any part of which is embedded in or attached to land above or below water or within the limits of the foreshore, in or on any Town waters, Town lands under water, foreshore or state or county lands under water within the geographical limits of the Town, nor shall any person or entity remove or move any sand, gravel or other material from such lands in the Town of Shelter Island, by dredging or other means, without first obtaining a permit from the Shelter Island Town Board as well as permits related to other agencies as may be required. The provisions of this section do not apply to the installation, repair or replacement of moorings or stake, mooring and pulley systems, the regulations for which appear in Chapter 90 of this Town Code.

~~§ 53-17. Additional permit provisions.~~

- ~~A. Any water control structure in existence prior to the adoption of the chapter that is maintained in kind and in place; or~~
- ~~B. Any alteration, modification, or repair to a preexisting nonconforming water control structure which, after review, is determined by the Town Board to lessen the preexisting nonconformity; or~~
- ~~C. Any repairs of a water control structure, deteriorating, damaged, or destroyed by any cause, including an act of God where 30% or more of the original structure is usable and shall remain so long as the repairs are in kind or in place or are determined by the Town Board to lessen the preexisting nonconformity.~~

§ 53-17.1. 14. Limitations on water control devices related structures on freshwater bodies.

- A. No water ~~control~~ related structure shall be constructed upon any body of freshwater owned by the Town of Shelter Island and no permit shall be issued for any such construction.
- B. Preexisting, nonpermitted ~~and nonconforming~~ structures existing as of June 30, 2020, are exempt from ~~the standards set forth in~~ § 53-17.1A of this chapter subject to the following:
  - (1) They may be repaired or ~~replaced~~ maintained in kind and in place; or
  - (2) They may be altered, or modified, ~~or repaired~~ where after review, it is determined by the Town Board that any changes significantly lessen the preexisting nonconformity reduce the size and environmental impact of the original structure; or
  - (3) Any structure, deteriorating, damaged, or destroyed by any cause, including an act of God where, as determined by the Dock Inspector, 30% 50% or more of the original structure's supporting members remain in a structurally sound condition is usable and shall be permitted to remain so long as the repairs are in kind or and in place or are determined by the Town Board to significantly lessen the preexisting nonconformity reduce the size and environmental impact of the original structure.

ARTICLE V  
Additional Provisions

§ 53-18. 15. Coordination with wetlands provisions.

- A. In addition to the requirements of this chapter, any dock ~~and method of access~~ or other water-control-related structure requiring a wetlands permit pursuant to Chapter 129, shall undergo coordinated and concurrent review of the respective applications. construction, dredging, filling or alteration in, on or over a wetland or within a regulated area as defined in Chapter 129 shall apply for obtain a permit under Chapter 129 prior to submitting an application under this Chapter.
- B. ~~In the event of a conflict between any provision of Chapter 53 (Docks) and Chapter 129 (Wetlands), the provisions of Chapter 129 shall apply.~~

§ 53-49. 16. Power of Town Board to impose restrictions.

~~In issuing a permit under this chapter, the Town Board may impose such reasonable conditions and restrictions as will prevent the obstruction or interference with navigation, the public use of Town waters or lands under Town waters or shall be in furtherance of the public interest.~~  
To prevent obstruction or interference with navigation or in furtherance of the protection and public use of Town Waters and the public interest, the Town Board may impose reasonable conditions and restrictions when issuing permits, up to and including denial of same.  
In imposing restrictions or denying a permit, the Town Board shall consider public and private interests balanced with site characteristics and the following criteria:

- A. Exposure to environmental elements including but not limited to wind, wave action,

surge, currents, tides, depth;

- B. Property setbacks, shoreline protection, erosion, preservation, marine life;
- C. Navigation, boat traffic, vessel size;
- D. Public access, beaches, general recreation, fishing, shell fishing, swimming, the preservation of scenic vistas and aesthetics; and,
- E. Whether a mooring is a more suitable alternative to a dock as a means to access navigable water.

§ 53-17. Enforcement.

- A. The Dock Inspector is hereby authorized and directed to enforce the provisions of this chapter.
- B. Should the Dock Inspector determine that a dock has become a threat to life or property or a menace to navigation, they shall immediately notify the Town Board. Upon receipt of such notice, the Town Board shall direct the Dock Inspector to notify the Owner of their findings regarding the condition of the dock by certified mail and by posting such notification upon the Owner's property of their findings regarding the condition of the dock. In the event the Owner does not remove or repair the dock within the time required by the Dock Inspector, the Owner shall be notified by certified mail that the Town will make any necessary repairs to render the dock safe at the owner's expense. Should the dock require removal, the Owner shall be notified by certified mail of the

September 16, 2024 – continued

Town's intention to make an application to the Supreme Court, Suffolk County for an order determining the dock to be a threat to life or property or a menace to navigation and directing that it be removed by the Town with all expenses incurred in this proceeding and the removal to be borne by the Owner and a lien upon Owner's property.

§ 53- 20. 18. Penalties for offenses.

- A. Any permit related offense under this Chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than one thousand five hundred (\$1,500.00) dollars or by imprisonment for not more than fifteen (15) days, or both.
- B. An offense against any other provision of this Chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than two thousand five hundred (\$2,500.00) dollars or by imprisonment for not more than fifteen (15) days, or both.
- C. A second offense within one (1) year after a prior offense shall constitute a violation under the Penal Law and shall be punishable by a fine of not more five thousand (\$5,000.00) dollars ~~for offenses against any other provision of this Chapter~~ or by imprisonment for not more than 15 days, or both.
- D. A third or subsequent offense against the provisions of this Chapter within one year of the initial offense shall constitute a misdemeanor under the Penal Law and shall be punishable by a fine no more than ten thousand (\$10,000.00) dollars or by imprisonment for not more than one year, or both.
- E. In addition to the foregoing, any offense committed against the provisions of this Chapter by a contractor, agent or entity licensed to do business in the Town of Shelter Island, shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than five thousand (\$5,000.00) dollars or by imprisonment for not more than fifteen (15) days, and if having committed such third or subsequent offense, shall have their license revoked.

- F. Each day of continued violation of this Chapter shall constitute a separate and distinct offense.
- G. The Town may commence a civil proceeding to require removal of any dock or other structure constructed in violation of this Chapter at the expense of owner and/or other responsible party or parties and may seek a penalty to be jointly and severally included in the judgment which may be awarded at the discretion of the court in an amount not to exceed \$1,000 for each day it is found that the defendants or any one of them individually caused, permitted or allowed the violation.
- ~~A. An offense against the provisions of this chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.~~
- ~~B. A second offense against the provisions of this chapter within one year after a prior offense shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 15 days, or both.~~
- ~~C. A third or subsequent offense against the provisions of this chapter within one year of the initial offense shall constitute a misdemeanor under the Penal Law and shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 15 days, or both.~~
- ~~D. Any violation of this chapter that is not corrected within 30 days of receipt of a notice of violation shall may be charged as a separate and distinct violation.~~
- ~~E. The Town may require removal of any dock or other structure constructed in violation of this chapter.~~

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Town Law §130(15).

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 previous version of this Chapter was no longer sufficient for the needs of the community and the Island's extensive, diverse and fragile shoreline. This amendment helps to preserve and provide greater access to, and use of, that precious resource for more of the Island's residents.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 333

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Dyett, 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 Monday, October 7, 2024, at 6:06p.m. to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 79, entitled

“Home Improvement Contractors”, to make retired home improvement contractors eligible to sit on the Licensing Review Board, of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 79, entitled “Home Improvement Contractors”, to make retired home improvement contractors eligible to sit on the Licensing Review Board,

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

Section 1. Legislative Intent.

The Licensing Review Board is a necessary body which provides a venue to review complaints from residents against potentially unscrupulous or negligent home improvement contractors. In recent years, the Town Board has not been able to establish such a Board as the Code requires that at least one of the members of said Board be an active resident contractor, who also has a place of business on the Island. Such a contractor is extremely rare and if found, for whatever reason they were unable to be appointed. Therefore, the Town Board has determined that to establish the Licensing Review Board the contractor pool must be broadened to include retired resident home improvement contractors who previously had a home improvement contractor place of business on the Island.

Section 2. Amendment.

Article II of the Shelter Island Code Chapter 79 (Home Improvement Contractors) entitled “Disciplinary Procedures” is hereby amended by amending Section 79-20(A)(5) (Licensing Review Board-Formation and composition) by adding the underlined words and removing the stricken words as follows:

§79-20 Licensing Review Board.

A. Formation and composition.

(1) There is hereby established in and for the Town of Shelter Island a Licensing Review Board, consisting of either three or five members, as may be determined from time to time by the Town Board, who shall be appointed by the Town Board to serve at the pleasure of the Town Board. In no event shall a member serve for more than two years unless reappointed by the Town Board.

(2) The Town Board shall designate one member of the Licensing Review Board to serve as Chairman thereof.

(3) A majority of the members shall constitute a quorum of the Licensing Review Board.

(4) Members of the Licensing Review Board shall be residents of the Town and shall serve voluntarily without salary or compensation.

(5) At least one member of the Licensing Review Board shall be a current home improvement contractor who resides and has their his place of business within the Town or a retired home improvement contractor who currently resides and has had their place of business previously within the Town.

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 expand the pool of home improvement contractors eligible to be able to serve on the Licensing Review Board.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 334

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

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Monday, October 7, 2024, at 6:08 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW to consider the repeal of the amendment to Chapter 133, entitled “Zoning”, which created a sky plane height restriction known as the “Pyramid Law”, of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW to consider the repeal of the amendment to Chapter 133, entitled “Zoning” which created a sky plane height restriction known as the “Pyramid Law”

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

Section 1. Legislative Intent.

The Town Board finds that certain impacted and interested parties did not receive notice of the subject Pyramid Law, thus an opportunity to be heard was not had by certain important constituencies. Thus, certain consequences of said law were likely not properly vetted. Further, the Town Board finds that the law was adopted prematurely as the comprehensive plan is not yet complete, along with the companion environmental review. Therefore, the Town Board has determined that said law shall be repealed and potentially revisited in the future.

Section 2. Repeal.

Local Law No. 7 of the Year 2024 adopted by the Town Board of the Town of Shelter Island on June 3, 2024, and effective on June 12, 2024 is hereby REPEALED in its entirety as follows:

§133-1. Terms defined; word usage.

~~Sky Plane~~

~~An area which begins at all property lines from the average elevation of the existing natural grade adjacent to that building or structure (prior to site disturbance), and extends inward at an angle of 45 degrees, except for lots located in Districts “B”, “B-1”, or “C” whereby the average natural grade shall be augmented by 10’.~~

§133-6. District A (Residential).

B. Bulk Regulations.

(7)

Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

§133-7. District AA (Residential).

B. Bulk Regulations.

(7)

Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, ~~and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

§133-8. District B (Business).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, ~~and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

§133-19. District B-1 (Restricted Business).

B. Bulk Regulations.

(5) Building height shall not exceed 35 feet, ~~and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

§133-10. District C (Residential).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, ~~and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

Section 6. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §267.

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 local law is to repeal the recently enacted “Pyramid Law”.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 335

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

September 16, 2024 – continued

WHEREAS, Patrick Loftus-Hills and Konnin Tam, 169 Ram Island Drive, has petitioned the Town of Shelter Island for a wetlands permit to remove and dispose of +/- 248' of existing bulkhead, construct 147' of bulkhead, construct a 22' and 33' return for a total of 202'. New bulkhead will be approximately 9' elevation, supply and install 1-3 ton stones under 2.5 tons per linear foot along the toe of 147' bulkhead and on the 22' return. Construct a 10' splash zone landward of the bulkhead using approximately 90 tons of 20-50 lb stone. Stone will be placed on filter fabric. Construct a 68' rock revetment with a 78' return consisting of 1 row of 1-3 ton stone +/-15' of revetment must be angled to allow boat trailer access. Construct a 110' stone retaining wall. The wall will consist of 4 ton, 3 ton, 2 ton, and 1 ton stones reaching an elevation of +13' on a 45° angle. Construct a 10' x58' +/- ramped path with gravel and marl. Construct a 10'x24' ramp with flat stone (~12"x36"x36), marl, hardcourse stone and clean trucked-in beach compatible sand approved by client. Construct a 15'x40' ramp with flat stone (~12"x36"x36), marl, hardcourse stone and clean trucked-in beach compatible sand approved by client. Construct marine stairs 6'x30' (180sq.ft.). Construct a 24'x34'x18" ramped sand path (+/-815sq.ft. & +/-46c.y). Construct a stone slope varying 3'-12' wide x 76' long (+/-556sq.ft.). Vegetate a +/-2,903sq.ft.area with shore planting, as per plans submitted Costello Marine Contracting Corp, last revised April 15, 2024, now, therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held on Monday, October 28, 2024 at 6:02 p.m., prevailing time, on the 7th day of October, 2024, 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. 336

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

WHEREAS, David Lopez, 64 Gardiners Bay Drive, has petitioned the Town of Shelter Island for a wetlands permit to renovate additions to existing dwelling, remove existing conventional septic and replace with new IA OWTS. Renovation includes basement, first floor and second floor additions. Work includes 21 sq. ft addition within vegetative buffer and 156 sf addition within adjacent regulated area as per plans submitted by Sherman Engineering & Consulting, dated April 30, 2024, now, therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held on Monday, October 28, 2024 at 6:04 p.m., prevailing time, 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. 337

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

WHEREAS, North Ferry Co. INC., 12 Summerfield Place, has petitioned the Town of Shelter Island for a special permit to replace and elevate west shore side ramp support structure, repave of approaching area as per plans submitted by Costello Marine Contracting Corp., dated May 4, 2017, now, therefore

BE IT RESOLVED, a public hearing will be held on Monday, October 7, 2024, at 6:14 p.m., in the Shelter Island Town Hall for all interested persons to be heard in favor of or in opposition to the proposed application.

RESOLUTION NO. 344

WHEREAS, Robert Jeffe, 19 Westmoreland Drive has petitioned the Town of Shelter Island to repair existing dock of deteriorated fender and inside pilings, stringers, and decking, as per plans submitted by Greenport Dock Marine & Contracting, 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 on Monday, October 7, 2024,

at 6:16 p.m., prevailing time 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. 338

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Larsen, 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, as per plans submitted by EN-Consultants, last revised September 5, 2024, and

WHEREAS, a public hearing was duly held on June 3 and August 26, 2024, for all interested persons to be heard in favor of or in opposition, now, therefore

BE IT RESOLVED, that pursuant to NYCCR 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 and subject to the following conditions:

- 1) Replace all decking with open grated decking,
- 2) Replace all piling below MHW mark with untreated pilings
- 3) Float should have choking per DEC permit.

Vote: 3 in favor 1 opposed (Councilman Dickson)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 339

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

WHEREAS, the Town Board of the Town of Shelter Island (Town Board) has reviewed the application for the proposed building and site improvements at the Perlman Music Program site located at 73 Shore Road and 65 Stearns Point Road in the Town of Shelter Island, New York ("proposed action"); and

WHEREAS, the proposed action includes (1) renovations and improvements to existing buildings; (2) demolition of select existing buildings; (3) construction of new buildings which would increase the overall square foot living area (SFLA) by 22,093 SF from 47,833 SF to 69,926 SF; (4) relocation and construction of walkways; (5) improvements to existing internal driveways/roadways; (6) expansion of parking areas for 67 formalized spaces; (7) establishment of a courtyard(s), landscaped areas and revegetated areas; (8) temporary improvements to the existing tennis courts/performance area and future conversion to a permanent open-sided

performance space with a green room to accommodate loose seating of approximately 300 people; (9) ADA improvements including access to roadway, parking, pedestrian pathways, buildings and performance space; (10) new truck delivery area and improved trash/recycling area and (11) infrastructure upgrades. The infrastructure upgrades include: (a) the installation of I/A on-site wastewater treatment systems (OWTS), (b) improvements to the existing drainage system including the installation of drainage structures, regrading, and replacing portions of impervious surfaces with permeable surfaces (c) conversion of two (2) monitoring wells for use as potable water wells to be installed with enhanced filtration and closure of two (2) existing potable wells, (d) installation of rooftop solar panels on the proposed dining hall and (e) upgrades to and installation of site lighting for safety and building entries; and

WHEREAS, pursuant to §6-12B.(3) of the Town of Shelter Island Town Code, actions involving “parking facilities or other facilities with the need for an associated parking area for 20 or more cars” would be classified as Type I actions; and

WHEREAS, pursuant to 6 NYCRR §617.4(b)(11), “any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part” is a Type I action;

WHEREAS, pursuant to 6 NYCRR §617.4 and 6 NYCRR §617.5 as well as §6-12B.(3) of the Town of Shelter Island Town Code, the Town Board has reviewed the proposed action and has preliminarily determined that same is a Type I Action; and

WHEREAS, pursuant to 6 NYCRR Part 617.6(b)(3)(i), coordinated review undertaken by the Town Board on August 6, 2024 with the following involved agencies and interested parties: Town of Shelter Island Zoning Board of Appeals; Town of Shelter Island Building Department; Town of Shelter Island Fire Marshal; Town of Shelter Island Highway Department; Town of Shelter Island Planning Board; Town of Shelter Island Conservation Advisory Council; Shelter Island Fire District; Suffolk County Department of Health Services (SCDHS); Suffolk County Planning Commission (SCPC); New York State Department of Environmental Conservation (NYSDEC); and the New York State Department of State (NYSDOS); and

WHEREAS, during coordinated review, there were no objections to the Town Board serving as lead agency;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby designates itself as lead agency pursuant to the implementing regulations of the State Environmental Quality Review Act, specifically 6 NYCRR §617.6(b)(3), with respect to the above-described proposed action.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 340

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

WHEREAS, 42 Gardiners Bay, LLC, 42 Gardiners Bay, has requested to extend the Wetlands and Special permit, issued August 16, 2022, now, therefore

BE IT RESOLVED, pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board does hereby approve said request.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 341

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

WHEREAS, sealed bids to construct a 160 Square foot addition to the existing Ambulance barn garage bays, located at 12 Manwaring Road, were received by the Town Clerks Office until 3:00 p.m. on the 18<sup>th</sup> day of April, 2024, at which time they were publicly opened and read aloud as follows:

Carter – Melence Inc. \$153,218.00, and

Loduca Associates, Inc. \$ 212,802.00, and

WHEREAS, it is the recommendation of the Commissioner of Public Works that the bid be awarded to Carter-Melence, Inc., now, therefore

BE IT RESOLVED, that the Town Board does hereby award said bid to Carter - Melence for the aforementioned prices.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 342

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

WHEREAS, Kristina Lange, 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 82 Smith Street, 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 16,000.00 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 \$16,000.00 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: 4 in favor 0 opposed 1 Abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 343

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

WHEREAS, Kelly Brochu has met the Civil Service requirements for Senior Citizens Manager, now, therefore

BE IT RESOLVED, that Kelly Brochu is hereby permanently appointed to serve as the Senior Citizens Manager.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 344

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

BE IT RESOLVED, that Resolution No.326 – 2024 is hereby amended to read as follows:

WHEREAS, Michael DeSanctis has met the Civil Service requirements for Building Inspector, now, therefore BE IT RESOLVED, that Michael DeSanctis is hereby permanently appointed to serve as the Building Inspector effective September 13, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 345

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

BE IT RESOLVED, that Kelsey Lechmanski is hereby appointed to serve as Assistant Recreation Leader at the annual salary rate of \$65,000.00 effective September 16, 2024 for 40 hours per week with a probationary period of 26 weeks retroactive to 08/26/2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 346

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

BE IT RESOLVED, that the Supervisor or designee is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Staples Contract & Commercial LLC for water delivery to Town Hall.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

September 16, 2024 – continued

RESOLUTION NO. 347

Councilman Dickson 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 CityScape Consultants, INC., for consulting services regarding a Wireless Communications Master Plan.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 348

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

BE IT RESOLVED, that the Supervisor or designee is hereby authorized and directed to execute the agreement between the Town of Shelter Island and C. Theresa Masin for Environmental Consulting services.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 349

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

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

\$1,500.00 from A3120.491 PD Contracts to A3120.484 PD Office & Misc.,  
\$1,650.00 from A3989.200 NIMS Equipment to A3120.272 PD New Car,  
\$1,520.00 from A3120.200 PD Equipment to A3120.272 PD New Car,  
\$5,200 from A6776.422 Silver Circle Meals & Snacks to A6772.400 Nutrition Food, and  
\$330.00 from A3120.100PS Police Dept Personnel Services to A3120.484 Police Dept Office & Miscellaneous.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 350

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

WHEREAS, after the finalization of the 2023 CPF/WQI Audit provided to the Town by Craig, Fitzsimmons, and Meyer, LLP, the following transfer of \$124,295 from the Community Preservation Fund account to the Water Quality Improvement account, which represents the remaining balance of the net accumulated funds owed to the water quality improvement sub-fund of the Community Preservation Fund, is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 351

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

BE IT RESOLVED, that the following budget modification is hereby approved:

\$930.15 increase to A4389 Federal Aid Bulletproof Vest Partnership, and  
\$930.15 increase to A3120.487 Police Uniforms for the 2023 Bulletproof Vest Partnership program grant reimbursement.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 352

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

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

September 16, 2024 – continued

sum of \$572.36 from Cashin Associates, PC to the Nutrition Program general ledger account A6772.484 for 2024 for the reimbursement of funds sent to them in error.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 353

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$2,508.84 from the A1680.476 Computer Maintenance account to East End Computers, LLC for the Security Awareness Training for the term of July 1, 2024 – June 30, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 354

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

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

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 355

Councilman Dickson 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 \$4,789.19 from the A3120.291 PD Contracts account to Rutgers University for the Air and Noise Pollution Training Program.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 356

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

BE IT RESOLVED, That 2024 general claims numbered 1665 through 1785 in the amount of \$107,680.99; 2024 Highway claims numbered 214 through 232 in the amount of \$19,507.01; 2024 Community Preservation Fund claims number 18 through 19 in the amount of \$8,750.00; and Water Quality Improvement fund claim number 17 in the amount of \$5,500.00, 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.

At 6:34 p.m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised regarding the granting of a cable television franchise renewal agreement by and between the Town Of Shelter Island and Suffolk Cable Of Shelter Island, Inc.

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. Samantha Pardal-Jerez from Optimum was present for the application and gave a description of the proposal. It was questioned how the contract would apply to the Shelter Island Heights roads and removal of unused cables. There being no further comments, the Supervisor declared this hearing closed and called to order the public hearing to be held on the application of the Shelter Island Yacht Club, 11 Chequit Avenue, to perform a maintenance dredge 20' x 60' and 10' x 90'

September 16, 2024 – continued

areas adjacent to existing bulkhead, totaling 2,100 s.f., to a maximum depth of -6' MLW; and barge approximately 95 cubic yards of sand spoil to an approved upland location, as depicted on the project plan prepared by En-Consultants, dated January 19, 2024.

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 unanimously approved the application.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Rob Herrmann from En-Consultants was present for the application and gave a description of the proposed work. There being no comments, the Supervisor declared the public hearing closed and called to order the public hearing to be held on the application of David Hoffman, 40 South Midway Road, to install a mooring at a location designated as latitude 41.057881° north and longitude 72.340621° 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: Application submitted listed conflicting coordinates, WMAC approved the following coordinates 41.057956° north and longitude -72.340929° west.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this public hearing closed and called to order the public hearing to be held as advertised on the application of Kristina Lange and Mark Burgess, 82 Smith Street to install a mooring at a location designated as latitude 41.05412° north and longitude -72.35637° 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 unanimously approved this application.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared this public hearing closed and reconvened the public hearing on the Site Plan of The Perlman Music Program.

Supervisor stated that the Town Board is waiting on the reports from the Planning Board and Conservation Advisory Council and made a motion to adjourn this hearing until October 28<sup>th</sup>, 2024. Councilwoman Larsen seconded. The motion was carried.

At 6:45 p.m., the Supervisor reconvened the public hearing on the proposed amendment to Town Code Chapter 42, entitled "Building Construction", to require upon the transfer of Real Property the installation of an Innovative Alternative on-site water treatment system.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Members of the public voiced concerns regarding the implementation of the proposed law. After a brief discussion, the Supervisor declared this public hearing closed and reconvened the regular meeting.

#### RESOLUTION NO. 357

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

WHEREAS, the Shelter Island Yacht Club, 11 Chequit Avenue, petitioned the Town of Shelter Island for permission to perform a maintenance dredge 20' x 60' and 10' x 90' areas adjacent to existing bulkhead, totaling 2,100 s.f., to a maximum depth of -6' MLW; and barge approximately 95 cubic yards of sand spoil to an approved upland location, as depicted on the

project plan prepared by En-Consultants, dated January 19, 2024, and

WHEREAS, a public hearing was duly held on the 16<sup>th</sup> day of September, 2024, 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 1 abstain (Councilman Dyett)

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 358

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

WHEREAS, David Hoffman, 40 South Midway Road, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.057881° north and longitude 72.340621° west, and

WHEREAS, a public hearing was duly held on the 16<sup>th</sup> day of September, 2024, 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 41.057956° north and longitude 72.340929° west, per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 359

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

WHEREAS, Kristina Lange and Mark Burgess, 82 Smith Street have petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.05412° north and longitude -72.35637° west, and

WHEREAS, a public hearing was duly held on the 16<sup>th</sup> day of September, 2024, 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.

September 16, 2024 – continued

At 7:12 p.m., the Supervisor made a motion to close the regular meeting. Councilwoman Larsen seconded. The motion was carried

Amber Wilson  
Town Clerk

September 24, 2024

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 24<sup>th</sup> day of September, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett, Councilwoman Margaret Anne Larsen and Town Attorney Stephen Kiely. Approximately fifteen persons were also present. Town Clerk Amber Wilson was present via zoom. All Town Board members signed a waiver of notice

The Supervisor called the meeting to order at 4:13 p.m.

RESOLUTION NO. 360

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

WHEREAS, the Shelter Island Historical Society, 16 South Ferry Road, has filed an

Outdoor Assembly permit to hold an Oyster Party for their fundraising event to be held on September 28, 2024, from 4:00 p.m. to 7:00 p.m., with a rain date of October 5, 2024, and

WHEREAS, the applicant has requesting an exemption from the Noise Ordinance, and

WHEREAS, the required documents have been submitted, 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. 361

Councilman Dickson 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 the County of Suffolk Office of Community Development with a contract term of September 1, 2024 through August 31, 2026, for the Community Development Block Grant.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 362

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor Brach-William, 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 \$100,000.00 to the Ambulance Reserve Fund for the year 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 363

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

WHEREAS, James Read, Chief of Police, has requested permission to auction off the fol-

lowing item through Municibid, starting September 23, 2024 through October 4, 2024;  
1984 24' Privateer PVT2440 with twin Honda outboards, that includes:

Engine 1 2001 HONDA 130HP BZBE-1201455

Engine2 2001 HONDA 130HP BZBE-1201453

3,373 Hours

Ray Marine C70 Radar

Garmin GPS Map 392 GPS

SI-TEX Depth Finder

EZ-Load Dual Axle Trailer

BE IT RESOLVED, that said request is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 364

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the Annual Software Support Contract between the Town of Shelter Island and Williamson Law Book Company for accounting software for October 1, 2024 through September 30, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 365

Councilman Dickson 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 \$1,538.00 from the A1220.491 Supervisor Contracts to Williamson Law Book Co, 790 Canning Parkway, Victor, NY 14564 for the Account Software Support Contract from October 1, 2024 to September 30, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 366

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$5,187.18 from the Village of Dering Harbor to the Shelter Island Town Police Dept. general ledger account A3120.200 for 2024 for the reimbursement of equipment purchased for them on 7/31/2024 from All Traffic Solutions Inc., voucher #1552.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared

#### RESOLUTION NO. 367

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

WHEREAS, pursuant to Shelter Island Town Code §109, Jo-Ann Robotti has submitted a site plan review application on behalf of The Shelter Island Library, 37 North Ferry Road, designated as Tax Map 700-13-2-34 and 700-13-2-35, to construct a new library addition of 5,830 sqft to be added to the existing 6,290 sqft. library, which will have its interiors altered and renovated, now, therefore

BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held at a Special Meeting on the 22<sup>nd</sup> day of October at 1:00 p.m., prevailing time, in the Shelter Island Town Hall, 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.

September 24, 2024 – continued

At 4:19 p.m., the Supervisor made a motion to close the special meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

October 1, 2024

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 1<sup>st</sup> day of October, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilman Albert Dickson and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and four persons were also present. Councilman Dyett was absent. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 1:25 p.m.

The Town Clerk presented the tentative 2025 Town budget to the Town board members.

At 1:38 p.m., Supervisor Brach-Williams made a motion to recess the special meeting until 9:00 a.m., on Monday, October 7, 2024. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

October 7, 2024

The recessed special meeting for budget purposes was reconvened on the 7<sup>th</sup> day of October, 2024, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Albert Dickson and Benjamin Dyett, and Councilwoman Margaret Anne Larsen. Town Clerk Amber Wilson and two persons were also present.

The Supervisor reconvened the special meeting at 9:07 a.m.

The Town Board discussed the proposed budgets for Town Board, Professional Services, Ethics Board, Justice Court, Supervisor, Assessors, Board of Assessment Review, Tax Receiver, Town Clerk, Highway and Public Works.

At 11:07 a.m., the Supervisor made a motion to recess the special meeting until 1:00 p.m., on Thursday, October 10<sup>th</sup>, 2024. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

October 7, 2024

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 7<sup>th</sup> day of October, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett, and Councilwoman Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately 74 persons were also present.

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

Salute to Flag

Supervisor Brach-Williams presented the Proclamation for Fire Prevention week.

#### RESOLUTION NO. 368

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

BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held 6:06 p.m. on the 28<sup>th</sup> day of October, 2024, 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", of which provides as follows:

A Local Law entitled "OVERRIDE OF THE TAX LEVY LIMIT"

Local Law No. \_\_ 2024

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 2025 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 2025 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. 369

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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 Monday, October 28 2024, at 6:08 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 a Stop Sign at the corner of Rebel Road and Worthy Way and remove certain Yield Signs on West Neck Road and Worthy Way of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 126, entitled “Vehicles and Traffic”, to add a Stop Sign at the corner of Rebel Road and Worthy Way and remove certain Yield Signs on West Neck Road and Worthy Way

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

Section 1. Legislative Intent.

The Town Board determines that based on the combination of traffic flow, driver behavior, and existing signage, in order to protect the life, safety, and welfare of persons traversing the area of the intersection of West Neck Road and Worthy Way, a stop sign shall be installed at the corner of Rebel Road and Worthy Way and the yield signs located at certain points on West Neck Road and Worthy Way shall be removed.

Section 2. Amendment.

Section 126-2 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by adding the underlined words as follows:

§ 126-2. Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection of
<u>Rebel Road</u>	<u>West</u>	<u>Worthy Way</u>

Section 3. Amendment.

Section 126-3 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by deleting the stricken words as follows:

§ 126-3. Yield Intersections.

Yield Sign on	Direction of Travel	At Intersection of
<del>West Neck Road</del>	<del>Southwest</del>	<del>Worthy Way</del>
<del>Worthy Way</del>	<del>Northwest</del>	<del>Rebel Road</del>

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 the area of the intersection of West Neck Road and Worthy Way.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 370

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

WHEREAS, in 2025 the Town of Shelter Island expects to receive approximately \$55,000.00 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, and Public Improvements Projects, now, therefore

BE IT RESOLVED, that a public hearing will be held at 6:10 p.m., prevailing time on the 28th day of October 2024, 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 371

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

WHEREAS, Moran Eizenberger and Loren Brown, have petitioned the Town of Shelter Island for permission remove and dispose of existing 75' jetty, construct a new 70' low profile jetty as per plans submitted by Costello Marine dated April 16, 2024, 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 28<sup>th</sup> day of October, 2024, 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 decaled duly adopted.

RESOLUTION NO. 372

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

WHEREAS, Nicholas Argyrou, 2 Sheep Pasture Lane, has petitioned the Town of Shelter Island for permission to relocate current mooring C-3657 to a location designated as latitude 41.08821° north and longitude -72.32245° 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 Monday, October 28, 2024, 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.

October 7, 2024 – continued

RESOLUTION NO. 373

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

WHEREAS, Mark Lumley, 8 Margaret's Drive, has petitioned the Town of Shelter Island for a wetlands permit for renovation of and additions to existing family dwelling. First floor footprint to remain and modify second floor. Add living space to accessory building, replace existing conventional septic with new IA OWTS, as per design plans submitted by Sherman Engineering, dated August 24, 2023, and architectural plans submitted by London Architecture & Design, dated July 1, 2024, now, therefore

BE IT RESOLVED, that pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held on Monday, November 25<sup>th</sup>, 2024 at 6:02 p.m., prevailing time, 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. 374

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

WHEREAS, Marina Hahn, 70 Tuthill Drive, has petitioned the Town of Shelter Island for a wetlands permit to remove existing single-family dwelling, cesspool, well and replace with new. New building to be on same footprint as existing and new septic to be IA OWTS, further from Coecles Harbor than existing cesspool. New dwelling to be taller and have more square foot living area than existing. Number of bedrooms to remain consistent, as per plans submitted by Sherman Engineering, dated July 24, 2024, and Stelle Lomont Rouhani Architects, dated June 13, 2024, now, therefore

BE IT RESOLVED, that pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held on Monday, November 25, 2024 at 6:04 p.m., prevailing time, 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. 375

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

WHEREAS, Shelter Island 5k Fall Run, Mary Ellen Adipietro, has requested permission to hold the 25th Shelter Island 5k Run/Walk on Shelter Island on Saturday October 19, 2024, between 8:00 a.m.- 1:00 p.m., with a setup date of October 18, 2024 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

October 7, 2024 – continued

RESOLUTION NO. 376

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

BE IT RESOLVED, that Kal Lewis is hereby appointed to serve as, on call, as needed FIT Aide, at a pay rate of \$17.00 per hour, for the year of 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 377

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

WHEREAS, Mixie and Sherman Eddy, 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 15 South Midway 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 12,000.00 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 \$12,000.00 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 0 opposed 1 abstain (Councilwoman Larsen)

The following resolution was thereupon declared duly adopted.

RESOLUTION NO. 378

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

WHEREAS, the Town of Shelter Island, NY (the “Town”) is a “franchising authority” in accordance with Title VI of the Communications Act of 1934, (the “Communications Act”), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the “Cable Laws”); and

WHEREAS, the Town, executed a franchise renewal agreement with SUFFOLK CABLE OF SHELTER ISLAND, INC. (the “Franchisee”) on October 19, 2018, which was thereafter confirmed and made effective by the New York State Public Service Commission on September 25, 2019 for a term of five (5) years (Case No. 09-V-0443), and

WHEREAS, said franchise agreement thereafter will expire on September 25, 2024,

WHEREAS, Franchisee has submitted a proposed franchise renewal agreement (the “Franchise Renewal Agreement”) to continue operating said cable system within the Town; and

WHEREAS, The Town and Franchisee have mutually agreed to the terms of said Franchise Renewal Agreement; and

WHEREAS, the Town has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of its existing franchises and applicable law; and

WHEREAS, the Town has determined that Franchisee has the requisite legal, technical and financial capabilities to operate cable systems within the Town and that Franchisee’s proposals for renewal of the franchises meet the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Town to be heard on the proposed Franchise Renewal Agreement was held before the Town on September 16, 2024, now, therefore,

BE IT RESOLVED, that the Town determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and

BE IT FURTHER RESOLVED, that the Town hereby authorizes the Supervisor to enter into the Franchise Renewal Agreement with SUFFOLK CABLE OF SHELTER ISLAND, INC. and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Town of Shelter Island.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 379

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

BE IT RESOLVED, that the following budget transfers are hereby approved:  
\$2,000 from A8140.495 Community Housing Board Advertising to A8140.490 Community Housing Board Legal Services;  
\$2,200 from A1490.409 Parks & Beaches to A1490.420 Signs & Signals;  
\$2,000 from A1490.409 Parks & Beaches to A1490.425 Non-Highway Tree Maintenance;  
\$10,000 from A1410.111 Town Clerk Overtime to A1680.476 IT Maintenance;  
\$806 from A1490.101 Public Works Personal Services, \$1,612 from A5010.100PS Highway Personal Services, and \$806 from A8160.100PS Landfill Personal Services to A3120.100PS Police Personal Services; and  
\$10,000 from DA5130.446 Machine Repairs to DA5130.482 Grinder Maintenance & Parts.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 380

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

BE IT RESOLVED, that the following budget modifications are hereby approved:  
\$2,000 increase to A2661 Intergovernmental Revenue, and a \$2,000 increase to A1490.425 Tree Maintenance to be funded by the reimbursement check from Suffolk County for tree removal.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 381

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$48,399.00 from the A9025.800 LOSAP account to Glen Falls National Bank and Trust Company and sent to Penflex Actuarial Services, LLC for the 2023 contribution for the Length of Service Awards Program (LOSAP) for the volunteer ambulance workers.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 382

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to credit the sum of \$1,250.00 to Alex Doman, for the overpayment of a Dock application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 383

Councilman Dickson 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 account A1220.491 Supervisor Service Contracts account to Records

October 7, 2024 – continued

Consultants, Inc., for the Management inventory Software with a contract term of September 24, 2024 – September 23, 2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 384

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

BE IT RESOLVED, that the 2024 general claims numbered 1786 through 1908 in the amount of \$193,126.66; 2024 Highway claims numbered 232 through 249 in the amount of \$21,816.91; 2024 Community Preservation Fund claims number 20 through 21 in the amount of \$4,535.00 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.

At 6:21 p.m., the Supervisor adjourned 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 133, entitled “Zoning”, to permit the voluntary merger of nonconforming lots.

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

The Supervisor opened the public hearing to all of those in favor of or in opposition to. Questions were raised that if this proposed Local Law is for the purpose to create more conforming lots and if this was for vacant lots or also lots with houses. There being no further comments, the Supervisor called to order the public hearing to be held as advertised on the proposed Local Law entitled “A Local Law amending Chapter 53, entitled “Docks”, to update the code to address current environmental conditions.

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

Supervisor Brach-Williams called for any correspondence, which included the following:  
1. Letters from Peter Reich, John Cronin, Jr., and Michael Anglin.

Bill Geraghty, Chairman of the WMAC, was present for the hearing and gave the reasoning to amending the current Dock code.

The Supervisor opened the public hearing to all of those in favor of or in opposition to. Many expressed views either for or against the proposed Local Law. Some concerns included the definitions, prohibition on dock locations, commercial boats on private docks, dock inspector, dredging, the current moratorium and the studies behind the proposed Local Law. There being no further 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 79, entitled “Home Improvement Contractors”, to make retired Home Improvement Contractors eligible to sit on the Licensing Review Board.

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

The Supervisor opened the public hearing to all of those in favor of or in opposition to. There being no further comments, the Supervisor closed this hearing and called to order the public hearing to be held on the proposed Local Law entitled “A Local Law to consider the repeal of the amendment to Chapter 133, entitled “Zoning”, which created a sky plane height restriction known as the “Pyramid Law”.

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

October 7, 2024 – continued

The Supervisor opened the public hearing to all of those in favor of or in opposition to. Members of the public expressed their view for this proposed Local Law. 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 North Ferry Co. Inc., 12 Summerfield Place, for a Special Permit to replace and elevate west shore side ramp support structure, repave of approaching area.

The Supervisor opened the public hearing to all of those in favor of or in opposition to. There being no comments, the Supervisor closed this hearing and called to order the public hearing on the application of Robert Jeffe, 19 Westmoreland Drive, to repair existing dock of deteriorated fender and inside pilings, stringers, and decking.

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 application.

The Supervisor opened the public hearing to all of those in favor of or in opposition to. There being no comments the Supervisor declared the hearing closed.

At 8:34 p.m., the Supervisor reconvened the regular meeting.

#### RESOLUTION NO. 385

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

WHEREAS, North Ferry, 12 Summerfield Place, petitioned the Town of Shelter Island for a special permit to replace and elevate west shore side ramp support structure, repave of approaching area as per plans submitted by Costello Marine Contracting Corp., dated May 4, 2017, and

WHEREAS, a public hearing was held on the 7<sup>th</sup> day of October, 2024, 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.

#### RESOLUTION NO. 386

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

WHEREAS, Robert Jeffe, 19 Westmoreland Drive, has petitioned the Town of Shelter Island to repair existing dock of deteriorated fender and inside pilings, stringers, and decking, as per plans submitted by Greenport Dock Marine & Contracting, and

WHEREAS, a public hearing was duly held on the 7<sup>th</sup> day of October, 2024 for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, that 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

October 7, 2024 – continued

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.

The Supervisor made a motion to close the regular meeting. Councilwoman Larsen seconded. The motion was carried

Amber Wilson  
Town Clerk

October 10, 2024

The recessed special meeting for budget purposes was reconvened on the 10<sup>th</sup> day of October, 2024, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor Amber Brach-Williams, Councilman Benjamin Dyett, Councilwoman Margaret Anne Larsen and one person was also present. Town Clerk Amber Wilson was present via zoom. Councilman Dickson was absent.

The Supervisor reconvened the special meeting at 1:00 p.m.

The Town Board discussed the proposed budgets for Senior Services, Nutrition, Recreation, Historical Society and the costs for employee benefits.

At 3:21 p.m., the Supervisor made a motion to recess the special meeting until 9:00 a.m., on Friday, October 11, 2024. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

October 11, 2024

The recessed special meeting for budget purposes was reconvened on the 11<sup>th</sup> day of October, 2024, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor Amber Brach-Williams, Councilman Benjamin Dyett, Councilwoman Margaret Anne Larsen and four persons were also present. Town Clerk Amber Wilson was present via zoom. Councilman Dickson was absent.

October 11, 2024 – continued

The Supervisor reconvened the special meeting at 9:00 a.m.

The Town Board discussed the proposed budgets for B fund contingent, License Review Board, Building Department, Code Enforcement, Zoning Board of Appeals, Planning Board and also met with the Departments heads from Nutrition, Senior Center and Justice Court.

At 11:07 a.m., the Supervisor made a motion to recess the meeting until 1:00 p.m. Councilwoman Larsen seconded. The motion was carried.

The Supervisor reconvened the special meeting at 1:03 p.m.

The Town Board continued to discuss the proposed budget for the Highway Department, Police Department, and started reviewing revenues for various departments.

At 1:48 p.m., the Supervisor made a motion to recess the special meeting until 9:00 a.m. on Friday, October 11, 2024. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

October 18, 2024

The recessed special meeting for budget purposes was reconvened on the 18<sup>th</sup> day of October, 2024, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor Amber Brach-Williams, Councilman Benjamin Dyett, Councilwoman Margaret Anne Larsen and two persons were also present. Town Clerk Amber Wilson was also present.

The Supervisor reconvened the special meeting at 9:00 a.m.

The Town Board discussed the proposed budgets lines and changes on the following, Medical Insurance, Ethics Board professional services, Town Board office and miscellaneous and salaries, Association of Town, Professional Services, and Assessor salaries.

The Presbyterian Church was also present to discuss the future rental space agreement between the Church and the Town of Shelter Island Nutrition Program.

At 11:07 a.m., the Supervisor made a motion to recess the special meeting until 9:00 a.m. on Tuesday, October 22, 2024. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

October 22, 2024

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 22<sup>nd</sup> of October, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Clerk Amber Wilson, and

October 22, 2024 – continued

approximately thirteen persons were also present. Town Attorney Stephen Kiely was present via zoon. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 2:15p.m.

RESOLUTION NO. 387

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

WHEREAS, the Justice Court has requested permission from the Town Board to apply for The Justice Court Assistance Program for the year of 2024, and

WHEREAS, the Town Board has approved said request, now, therefore

BE IT RESOLVED, that Honorable Mary-Faith Westervelt, Justice of the Town of Shelter Island, is hereby authorized and directed to file an application for funds from the State of New York Unified Court System under its Justice Court 2024 Assistance Program, in an amount not to exceed \$10,000, and upon approval of said request, to procure a new Xerox machine in accordance with acceptable procurement practices.

Vote: 4 in favor 0 opposed

The resolution was therefore duly adopted.

RESOLUTION NO. 388

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

WHEREAS, 62 Winthrop , LLC, c/o George Kramer, 57 Winthrop Road, has petitioned the town to construct approximately 237' of stone retaining wall using 25 lb. to 2,000 lb. stone placed on filter cloth, construct a new 35" x 14' level walkway leading to existing 35' x 24' ramp and construct 3' wide pedestrian access stair as per plans submitted by Costello Marine dated May 21, 2024, and

WHEREAS, the Town Engineer, Superintendent of Highways and the Town Board have deemed this as an emergent repair due to the potential washout of the road, now, therefore

BE IT RESOLVED, the Town Board hereby calls for a special meeting on Wednesday, November 6<sup>th</sup>, 2024, at 1:00 p.m., prevailing time 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.

At 2:17 p.m., the Supervisor called to order the public hearing to be held as advertised on the Site Plan application of The Shelter Island Public Library, 37 North Ferry Road, designated as Tax Max 700-15-2-35.1, to construct a new library addition of approximately 5, 830 sqft to be added to the existing 6,290 sqft. library, which will have its interiors altered and renovated.

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

The Supervisor stated that the Town Board is still waiting on reports from the Planning Board and the Conservation Advisory Committee.

The Supervisor opened the public hearing to all of those in favor of or in opposition. Christopher Sepp from Beatty Harvey Coco Architects was present and gave a description of the proposed application. Suggestions and concerns were made regarding parking and vegetation.

There being no further comments, at 2:55 p.m., the Supervisor adjourned the public hearing and made a motion to reconvene the Town Board Work Session. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

October 24, 2024

The recessed special meeting for budget purposes was reconvened on the 24<sup>th</sup> day of October, 2024, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor Amber Brach-Williams, Councilmen Albert Dickson and Benjamin Dyett, Councilwoman Margaret Anne Larsen and three persons were also present. Town Clerk Amber Wilson was also present.

The Supervisor reconvened the special meeting at 9:00 a.m.

The Town Board discussed the proposed budgets lines and changes on the following, Police Department, EMS, Residential Repair, Nutrition Program rent, Building Department revenues, and the Shelter Island Historical Society .

At 10:47 a.m., the Supervisor made a motion to recess the special meeting to hold an executive session. Councilwoman Larsen second. The motion was carried.

At 1:00 p.m., the Supervisor reconvened the Special meeting.

The Town Board discussed changes in the following departments, Town Board repair and maintenance, Deputy Town Clerk, Supervisor Senior Account Clerk, Building Department, Zoning, Code Enforcement and longevity.

#### RESOLUTION NO. 389

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

WHEREAS, a tentative budget for the fiscal year 2025 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 2025, 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 6th day of November, 2024, at 1:02 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 1:13 p.m., the Supervisor made a motion to close the special meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

October 28, 2024

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 28<sup>th</sup> day of October, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson and Benjamin Dyett. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately thirty two persons were also present.

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

Salute to Flag

RESOLUTION NO. 390

Councilman Dickson 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, November 19, 2024, at 1:00 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 dock permits by the Town Board” which provides as follows:

LOCAL LAW NO. \_\_\_ of 2024

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

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

Section 1. Legislative Intent.

Due to the increased growth and a spread of development throughout the town, including the requests for docks along Shelter Island’s fragile shoreline and a growing disparity between the Town code, as written, and the needs of our community, the Town Board enacted a three-month moratorium on the acceptance and review of all new and pending dock applications. In accordance therewith, the Town Board charged the Waterways Management Advisory Council (“WMAC”) to review the adequacy of our current dock code and to rewrite same 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. On October 7, 2024, there was a public hearing on the proposed amendment which garnered immense public interest, and the Town Board is currently in the process of reviewing the comments made and potentially amending the law in kind. Therefore, it has been determined a final three (3) month extension of the subject moratorium is required.

Section 2. Moratorium Extended Term.

A. Local Law No. 1 of 2024 imposing a three (3) month moratorium, and Local Laws No. 4 and No. 12 extending subject moratorium requiring that no board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of a dock located within the Town of Shelter Island is hereby extended for an additional three (3) month period of time through February 23, 2024.

B. Except as otherwise amended herein, all of the provisions of Local Law No. 1 of 2024, shall be extended for an additional three (3) month period of time through February 23, 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 dock applications by three months to afford additional time to finalize the amendment to the Dock Code.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 391

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

WHEREAS, Christopher Chmelar & Danielle Ferrera, 13 Dickerson Drive have petitioned the Town of Shelter Island for a wetlands permit to construct onto existing 1.5 story dwelling, a 587 sf 1 and 2 story addition (145 sf within wetlands regulated area) , located 91 ft from wetlands, with 2<sup>nd</sup> story addition totaling 952 sf extending partially over existing first floor, located 72 sf from wetlands, construct a 4' x 8.5' 1 story addition, located 79 ft from wetlands: construct a 2' x 7.5' 1 story addition in place of existing roofed over entry, located 71 ft from wetlands, construct 4' x 25.6' covered porch addition, partially in place of 4' x 8' portion of existing deck, located 69 ft from wetlands, reconstruct, in-place, existing 4' x 12.1' attached shed, located 67 ft from wetlands, remove existing conventional septic system from vegetative buffer and install a new I/A sanitary system, consisting of a Hydro-Action OWTS, located 86 ft from wetlands, and three leaching galleys, located a minimum of 100 ft from wetlands: remove approximately 556 sf of existing driveway surface from the wetlands regulated area: install a stormwater drywell located outside the wetlands regulated area, and establish a 5 ft wide non-turf buffer along top of bank, to be planted with native grasses in place of existing turf lawn, as per plans submitted by Jeffrey Butler, last revised August 16, 2024, now, therefore

BE IT RESOLVED, that pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held on Monday, December 16, 2024 at 6:02 p.m., prevailing time, 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 therefore declared duly adopted.

RESOLUTION NO. 392

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

WHEREAS, Anusia Gayer, 167 Ram Island Drive, has petitioned the Town of Shelter Island for a wetlands permit to seek approval of already completed reconstruction of existing deck pre-dated to the 2001 Wetlands code, as per plans submitted by Sherman Engineering dated April 29, 2024, now, therefore

BE IT RESOLVED, that pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held on Monday, December 16, 2024 at 6:04 p.m., prevailing time, 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. 393

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

WHEREAS, Joseph Brantuck, on behalf of the Shelter Island Boat Yard, 61 South

Menantic Road, has petitioned the Town of Shelter Island for permission to construct ±279 lf of vinyl bulkhead in place of ±272 lf of existing timber bulkhead, including ±25 lf in place of existing ±25 lf (A), ±133 lf in place of (and ± 6" higher) than existing ±133 lf (B), ±16 lf in place of existing ±17 lf (C), ±66 lf in place of (and 12" landward of) existing ±58 lf (D and F/north and south sides of haul-out slip), ±19 lf in place of (and 4' landward of) existing ±18 lf (E/west side of haul-out slip), and ±20 lf in place of existing ±21 lf (G); excavate (2) 12" x 29' upland areas landward of ± 29' sections of bulkhead being replaced 12" landward (D and F) to a max. depth of -4' MLW, and use approx. 9 cy of resultant earthen/spoil material as backfill; extend existing 16.5' x 29' haul-out slip 4 feet west, thereby creating 16.5' x 33' haul-out slip, by excavating 4' x 19' upland area (between existing 18' bulkhead to be removed and prop. ±19' vinyl bulkhead (E) located 4 feet landward) to a max. depth of -4' MLW, and use approx. 30 cy of resultant earthen/ spoil material as backfill; replace (2) existing ± 32 lf wide flange beams travel rails with ±38 lf wide flange beam travel rails; remove and replace ±12' x 24' portion of existing concrete slab west of haul-out slip and install 4' x 12' steel pad; remove and replace (in-place and ±6" higher) existing 8' -14' wide wood boardwalk landward of ±133 lf bulkhead (B); remove and replace existing 3' - 5' wide wood boardwalk on north side of haul-out slip (D); incidentally dredge 10' wide, approx. 2,539 sf area adjacent to all replacement bulkheading to a max. depth of -4' MLW, and use approximately 145 cy of resultant spoil material as backfill; and remove and replace (in-kind/in-place) adjacent curbing, parking area and landscape wall, as needed, as per plans prepared by Jeffrey T. Butler, dated September 12, 2024., and, 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 on Monday, November 25, 2024, at 6:02 p.m., prevailing time 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. 394

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

WHEREAS, a public hearing was duly held on Monday, October 7, 2024, to hear any and all persons either for or against a local law entitled "A LOCAL LAW amending Chapter 133, entitled "Zoning", to permit the voluntary merger of nonconforming lots, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 14 – 2024, of which provides as follows:

#### LOCAL LAW NO. 14 of 2024

A LOCAL LAW amending Chapter 133, entitled "Zoning" to permit the voluntary merger of nonconforming lots,

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, based on New York State case law, there must be a mechanism afforded to residents who come into common ownership of adjoining dimensionally nonconforming lots to be able to voluntarily merge them into one lot.

#### Section 2. Amendment.

Article VI of the Shelter Island Code Chapter 133 (Zoning) entitled "Nonconforming Lots,  
October 28, 2024 – continued

Buildings, and Uses" is hereby amended by amending Section 133-22 (Merger of nonconforming lots) by adding the following underlined words:

§ 133-22 Merger of nonconforming lots.

[Amended 6-8-2012 by L.L. No. 3-2012; 7-27-2018 by L.L. No. 6-2018]

If at any time a dimensionally nonconforming lot is held in the same ownership as an adjoining lot, the owner may voluntarily merge the lots by submitting an application to the Town of Shelter Island Assessor. Upon merger the lots may not be unmerged. When a lot is voluntarily merged with another lot with a nonconforming use, the nonconforming use may not be shifted or expanded to the merged lot and no other section or provision of the Town Code shall be considered suspended, repealed or waived by this resolution, and full compliance with all other provisions of the Town Code will continue to be required.

Section 7. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §267.

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 allow for the voluntary merger of a dimensionally nonconforming lot with an adjoining lot, if held in common ownership.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 395

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

WHEREAS, a public hearing was duly held on Monday, October 7, 2024, to hear any and all persons either for or against a local law entitled “A LOCAL LAW to consider the repeal of the amendment to Chapter 133, entitled “Zoning”, which created a sky plane height restriction known as the “Pyramid Law”, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 15 – 2024, of which provides as follows:

LOCAL LAW NO.15 of 2024

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

Section 1. Legislative Intent.

The Town Board finds that certain impacted and interested parties did not receive notice of the subject Pyramid Law, thus an opportunity to be heard was not had by certain important constituencies. Thus, certain consequences of said law were likely not properly vetted. Further, the Town Board finds that the law was adopted prematurely as the comprehensive plan is not yet complete, along with the companion environmental review. Therefore, the Town Board has determined that said law shall be repealed and potentially revisited in the future.

Section 2. Repeal.

Local Law No. 7 of the Year 2024 adopted by the Town Board of the Town of Shelter Island on June 3, 2024, and effective on June 12, 2024 is hereby REPEALED in its entirety as follows:

§133-1. Terms defined; word usage.

**Sky Plane**

~~An area which begins at all property lines from the average elevation of the existing natural grade adjacent to that building or structure (prior to site disturbance), and extends inward at an angle of 45 degrees, except for lots located in Districts “B”, “B-1”, or “C” whereby the average natural grade shall be augmented by 10’.~~

§133-6. District A (Residential).

**B. Bulk Regulations.**

~~(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

§133-7. District AA (Residential).

**B. Bulk Regulations.**

~~(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

§133-8. District B (Business).

**B. Bulk Regulations.**

~~(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

§133-19. District B-1 (Restricted Business).

**B. Bulk Regulations.**

~~(5) Building height shall not exceed 35 feet, and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

§133-10. District C (Residential).

**B. Bulk Regulations.**

~~(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof, and all buildings and structures, except for chimneys, weathervanes and non habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.~~

**Section 6. Authority.**

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §267.

**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.

**SUMMARY OF PROPOSED LAW**

The purpose of this local law is to repeal the recently enacted “Pyramid Law”.

October 28, 2024 – continued

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 396

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

WHEREAS, a public hearing was duly held on Monday, October 7, 2024, to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 79, entitled “Home Improvement Contractors”, to make retired home improvement contractors eligible to sit on the Licensing Review Board, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 16 – 2024, of which provides as follows:

LOCAL LAW NO.16 of 2024

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

Section 1. Legislative Intent.

The Licensing Review Board is a necessary body which provides a venue to review complaints from residents against potentially unscrupulous or negligent home improvement contractors. In recent years, the Town Board has not been able to establish such a Board as the Code requires that at least one of the members of said Board be an active resident contractor, who also has a place of business on the Island. Such a contractor is extremely rare and if found, for whatever reason they were unable to be appointed. Therefore, the Town Board has determined that to establish the Licensing Review Board the contractor pool must be broadened to include retired resident home improvement contractors who previously had a home improvement contractor place of business on the Island.

Section 2. Amendment.

Article II of the Shelter Island Code Chapter 79 (Home Improvement Contractors) entitled “Disciplinary Procedures” is hereby amended by amending Section 79-20(A)(5) (Licensing Review Board-Formation and composition) by adding the underlined words and removing the stricken words as follows:

§79-20 Licensing Review Board.

A. Formation and composition.

(1) There is hereby established in and for the Town of Shelter Island a Licensing Review Board, consisting of either three or five members, as may be determined from time to time by the Town Board, who shall be appointed by the Town Board to serve at the pleasure of the Town Board. In no event shall a member serve for more than two years unless reappointed by the Town Board.

(2) The Town Board shall designate one member of the Licensing Review Board to serve as Chairman thereof.

(3) A majority of the members shall constitute a quorum of the Licensing Review Board.

(4) Members of the Licensing Review Board shall be residents of the Town and shall serve voluntarily without salary or compensation.

(5) At least one member of the Licensing Review Board shall be a current home improvement contractor who resides and has their ~~his~~ place of business within the Town or a retired home improvement contractor who currently resides and has had their place of business previously within the Town.

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 expand the pool of home improvement contractors eligible to be able to serve on the Licensing Review Board.

Vote: 4 in favor 0 opposed

The resolution was thereupon decaled duly adopted.

RESOLUTION NO. 397

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

WHEREAS, the Town Board of the Town of Shelter Island (Town Board) has reviewed the application for the proposed building and site improvements at the Shelter Island Public Library located at 37 North Ferry Road in the Town of Shelter Island, New York (“proposed action”); and

WHEREAS, the proposed action includes renovations to the existing 6,285-square-foot (SF) library, a 5,830 SF, two-story building addition, and the expansion of existing on-site parking from 21 to 46 stalls (includes 14 land banked spaces); and

WHEREAS, pursuant to §60-12(B)(3) of the Town of Shelter Island Town Code, actions involving “parking facilities or other facilities with the need for an associated parking area for 20 or more cars” would be classified as Type I actions; and

WHEREAS, pursuant to §60-12(B)(3) of the Town of Shelter Island Town Code, the Town Board has reviewed the proposed action and has preliminarily determined that same is a Type I Action; and

WHEREAS, pursuant to 6 NYCRR Part 617.6(b)(3)(i), coordinated review undertaken by the Town Board on September 25, 2024 with the following involved agencies and interested parties: Town of Shelter Island Building Department; Town of Shelter Island Planning Board; Town of Shelter Island Conservation Advisory Council; Suffolk County Department of Health Services Office of Wastewater Management; Suffolk County Department of Health Services Office of Water Resources; New York State Department of Environmental Conservation; Dormitory Authority of the State of New York; Suffolk County Planning Commission; New York State Department of State; and

WHEREAS, during coordinated review, there were no objections to the Town Board serving as lead agency;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby designates itself as lead agency pursuant to the implementing regulations of the State Environmental Quality Review Act, specifically 6 NYCRR §617.6(b)(3), with respect to the above-described proposed action.

Vote: 4 in favor 0 opposed

The resolution was thereupon decaled duly adopted.

RESOLUTION NO. 398

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

WHEREAS, Thomas Cook & Celina Szado, 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 146 West Neck 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 16,000.00 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 \$16,000.00 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 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 399

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

WHEREAS, Lisa Craig, 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 11 West Neck 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 16,000.00 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 \$16,000.00 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 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 400

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

WHEREAS, Ann Mesnikoff, 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 4B 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 16,000.00 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 \$16,000.00 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 abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 401

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

WHEREAS, Shelter Waterfront Associates, LLC, c/o Ken Tropin, 1C Sylvester Road, have requested to extend permit number 3754, issued December 13, 2023, to remove existing 8,000 lb. boatlift, install new 8,000 lb. boatlift, in-kind, in-place as per plans submitted by Costello Marine, last revised June 23, 2023, now, therefore

BE IT RESOLVED, pursuant to Section 53-9 of the Code of the Town of Shelter Island, the Town Board does hereby approve said request.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

October 28, 2024 – continued

RESOLUTION NO. 402

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

BE IT RESOLVED, that Michael Colligan is hereby appointed to serve as the Part-Time FIT Aide effective November 1, 2024 for the Recreation Department at the rate of \$17.00 per hour and an On-Call As Needed FIT Aide for the Recreation Department at the rate of \$17.00 per hour, retroactive to October 23, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 403

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

BE IT RESOLVED, that William Martin is hereby appointed to serve as a Maintenance Mechanic I – Residential Repair at a rate of \$25.64 per hour, retroactive to October 25, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 404

Councilman Dyett offered the following resolution, which was seconded by Councilman Dickson, 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 Jonathan Tehan is hereby appointed to serve as a member on the Conservation Advisory Council for a term to expire on October 28, 2026.

Vote: 3 in favor 1 opposed (Councilman Dickson)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 405

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

WHEREAS, Kevin Lechmanski, IT Department Head, has requested permission to dispose of certain equipment, now, therefore

BE IT RESOLVED, that the Town Board does hereby declare the following equipment to be surplus:

1 Xerox Copier

1 Justice Court File Server

13 Dell Optiplex Computers:

1 390

1 790

4 3010

3 3020

1 3050

2 9020

1 Optiplex (no #)

BE IT FURTHER RESOLVED, That the IT Department Head is hereby authorized and directed to dispose of the aforementioned equipment.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 406

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

October 28, 2024 – continued

BE IT RESOLVED, the Supervisor is hereby authorized and directed to execute the First Amendment of Contract (Law No.2-AG-083) between the Town of Shelter Island and Suffolk County for the Nutrition Program for the Elderly with a term of January 1, 2024 through December 31, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 407

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

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

\$1,000.00 from DA5140.447 Outside Contractors to A1490.425 Non-Highway Tree Maintenance,  
\$1,500.00 from DA5140.489 Equipment Rental to A8160.408 Repairs & Maintenance,  
\$1,000.00 from A8160.438 Processed Concrete Purchased to A8160.439 Demo Concrete Out,  
\$1,000.00 from DA5140.447 Outside Contractors to A8160.497 Professional Services,  
\$1,500 from A6776.422 Silver Circle Meals & Snacks to A6777.433 AAA Membership,  
\$500 from A6776.422 Silver Circle Meals & Snacks to A6777.422 Senior Center Meals & Snacks,  
\$3,000.00 from the A3150.100 Jail Attendant account to A3120.100 OT,  
\$2,000.00 from the A3120.200 Jail Equipment account to A3120.100 OT,  
\$1,500.00 from the A3120.400 PD Maintenance account to A3120.100 OT, and  
\$5,000.00 from the A3120.482 PD Gas-Oil account to A3120.100 OT.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 408

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

BE IT RESOLVED, that the following 2024 budget revision is hereby approved:

\$257 increase to the 2024 A2680 insurance recovery revenue account, to be funded by the reimbursement check from EPIC Insurance for the deletion of the 1984 Privateer Patrol Boat, and \$257 increase to the 2024 A1910.400 Unallocated Insurance.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 409

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

BE IT RESOLVED, that the following budget modification is hereby approved:

\$10,300 increase to A2770D Unclassified Revenue – Police Auction, and a \$10,300 increase to A3120.400 Police Maintenance to be funded by the check received from the auction of the 1984 24' Privateer PVT2440 with twin Honda outboards.

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 Supervisor Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$348.00 from the DA5140.447 Highway B&W Outside Contractors to G I R USA Inc., 548 Market Street #20601, San Francisco, CA 94104 for the annual GIR W150 SaaS Software for period of 11/01/24 – 10/31/2025.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 411

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

October 28, 2024 – continued

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$2,998.80 from the A1330.476 Tax Receiver Computer and Software account to Edmunds GovTech for Tax Collection Maintenance.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 412

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

BE IT RESOLVED, That 2024 general claims numbered 1909 through 2061 in the amount of \$160,456.74; 2024 Highway claims numbered 250 through 274 in the amount of \$25,027.19; 2024 Community Preservation Fund claims number 22 through 23 in the amount of \$3,775.00 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

At 6:32 p.m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Patrick Loftus-Hills and Konnin Tam, 169 Ram Island Drive, for a wetlands permit to remove and dispose of +/- 248' of existing bulkhead, construct 147' of bulkhead, construct a 22' and 33' return for a total of 202'. New bulkhead will be approximately 9' elevation, supply and install 1-3 ton stones under 2.5 tons per linear foot along the toe of 147' bulkhead and on the 22' return. Construct a 10' splash zone landward of the bulkhead using approximately 90 tons of 20-50 lb stone. Stone will be placed on filter fabric. Construct a 68' rock revetment with a 78' return consisting of 1 row of 1-3 ton stone +/-15' of revetment must be angled to allow boat trailer access. Construct a 110' stone retaining wall. The wall will consist of 4 ton, 3 ton, 2 ton, and 1 ton stones reaching an elevation of +13' on a 45° angle. Construct a 10' x58' +/- ramped path with gravel and marl. Construct a 10'x24' ramp with flat stone (~12"x36"x36), marl, hardcourse stone and clean trucked-in beach compatible sand approved by client. Construct a 15'x40' ramp with flat stone (~12"x36"x36), marl, hardcourse stone and clean trucked-in beach compatible sand approved by client. Construct marine stairs 6'x30' (180sq.ft.). Construct a 24'x34'x18" ramped sand path (+/-815sq.ft. & +/-46c.y). Construct a stone slope varying 3'-12' wide x 76' long (+/-556sq.ft.). Vegetate a +/-2,903sq.ft.area with shore planting, as per plans submitted Costello Marine Contracting Corp, last revised April 15, 2024.

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

Theresa Masin was present and gave a description of the Environmental report regarding the application. Supervisor Brach- Williams read the reports from the Planning Board and Conservation Advisory Council.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Jack Costello, was present and gave a description and history of the proposed work. Questions were raised regarding the 100 sqft exemption, flat stone ramps, and bulkhead material, and the location of the property. John Bennet, applicant attorney was also present for the application and stated that this should be designated as a Type II action and should not require any further SEQRA review. After further discussion the Town Board requested a Full Environment Assessment Form.

There being no further comments, the Supervisor adjourned the hearing until November 19, 2024 and called to order the public hearing to be held as advertised on the application of David Lopez, 64 Gardiners Bay Drive, for a wetlands permit to renovate additions to existing dwelling, remove existing conventional septic and replace with new IA OWTS. Renovation includes basement, first floor and second floor additions. Work includes 21 sq. ft addition within vegetative buffer and 156 sf addition within adjacent regulated area as per plans submitted by Sherman Engineering & Consulting, dated April 30, 2024.

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

Theresa Masin was present and gave a description of the Environmental report regarding

the application. Supervisor Brach-Williams read the report from the Planning Board.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Matt Sherman and Raymond Renault were present for the application and gave a brief presentation of the proposed work. Questions were raised regarding where the dry wells were to be installed, existing square footage to what is proposed.

There being no further comments, the Supervisor made a motion to close this hearing and called to order the public hearing to be held on the application of 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 to be heard in favor of or opposition. There being no further comments, the Supervisor made a motion to close 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 126, entitled “Vehicles and Traffic”, to add a Stop Sign at the corner of Rebel Road and Worthy Way and remove certain Yield Signs on West Neck Road and Worthy Way.

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 opposition to. There being no further comments, the Supervisor made a motion to close this hearing 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 receive in the year of 2025.

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 opposition. There being no further comment, the Supervisor made a motion to close the hearing and called to order the public hearing to be held as advertised on the application of Moran Eizenberger and Loren Brown, to remove and dispose of existing 75’ jetty, construct a new 70’ low profile jetty as per plans submitted by Costello Marine dated April 16, 2024.

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

The Supervisor called for the Waterways Report from the Town Board ,which was as follows: WMAC vote was 6-1 in favor of the application.

The Supervisor opened the hearing to all those in favor of or opposition to. Jack Costello was present on behalf of the applicant.

There being no further comments, the Supervisor made a motion to close the hearing and called to order the public hearing to be held as advertised on the application of Nicholas Argyrou, 2 Sheep Pasture Lane, to relocate current mooring C-3657 to a location designated as latitude 41.08821° north and longitude -72.32245° 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 vote was 7-0 in favor of the application with the corrected coordinates designated as latitude 41.08809°north and longitude -72.32281°west.

The Supervisor opened the hearing for all those in favor of or opposition. There being no further comments, the Supervisor made a motion to close the public hearing and reconvene the public hearing on The Perlman Music Program Site Plan application.

Reed Karen, Building Inspector gave a description of his report regarding the application. Supervisor Brach-Williams read the report from the Town Engineer, Planning Board and PW

Grosser.

The Supervisor opened the hearing for all those in favor of or opposition. The applicants architect was present and gave a description of the proposed work. A member of the public raised a concern on the location of one of the cabins. There being no further comments, the Supervisor made a motion to close the public hearing and reconvened the public hearing on The Shelter Island Library Site Plan application.

The Supervisor opened the hearing to all those in favor of or in opposition. Councilwoman Larsen read the report from Theresa Masin, Environmental Consultant. Supervisor Brach-Williams read the report from the Planning Board and Conservation Advisory Council. Kim Gennaro, PW Grosser gave a description of their report. After further discussion the Supervisor made a motion to adjourn this hearing until November 6, 2024, pending the SEQRA determination and revised plans from the applicant.

At 9:43 p.m., the Supervisor reconvened the regular Town Board meeting.

#### RESOLUTION NO. 413

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

WHEREAS, a public hearing was held on the 28<sup>th</sup> day of October, 2024, 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”, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 17 – 2024, of which provides as follows:

#### Local Law No. 17 2024

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 2025 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 2025 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. 414

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

WHEREAS, a public hearing was duly held on the 28<sup>th</sup> day of October, 2024, 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 a Stop Sign at the corner of Rebel Road and Worthy Way and remove certain Yield Signs on West Neck Road and Worthy Way, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 18 – 2024, of which provides as follows:

LOCAL LAW NO. 18 of 2024

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

Section 1. Legislative Intent.

The Town Board determines that based on the combination of traffic flow, driver behavior, and existing signage, in order to protect the life, safety, and welfare of persons traversing the area of the intersection of West Neck Road and Worthy Way, a stop sign shall be installed at the corner of Rebel Road and Worthy Way and the yield signs located at certain points on West Neck Road and Worthy Way shall be removed.

Section 2. Amendment.

Section 126-2 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by adding the underlined words as follows:

§ 126-2. Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection of
<u>Rebel Road</u>	<u>West</u>	<u>Worthy Way</u>

Section 3. Amendment.

Section 126-3 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by deleting the stricken words as follows:

§ 126-3. Yield Intersections.

Yield Sign on	Direction of Travel	At Intersection of
<del>West Neck Road</del>	<del>Southwest</del>	<del>Worthy Way</del>
<del>Worthy Way</del>	<del>Northwest</del>	<del>Rebel Road</del>

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.

SUMMARY OF PROPOSED LAW

The purpose of this local law is to protect the health, safety, and welfare of those who traverse the area of the intersection of West Neck Road and Worthy Way.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 415

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

WHEREAS, Moran Eizenberger and Loren Brown, 102 Peconic Avenue have petitioned the Town of Shelter Island for permission remove and dispose of existing 75' jetty, construct a new 70' low profile jetty as per plans submitted by Costello Marine dated April 16, 2024, and

WHEREAS, a public hearing was duly held on the 28<sup>th</sup> day of October, 2024, for all interested persons to be heard in favor of or in opposition, now, therefore

BE IT RESOLVED, that 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. 416

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

WHEREAS, a public hearing was held on the 28<sup>th</sup> day of October, 2024, 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", now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 17 – 2024,

of which provides as follows:

Local Law No. 17 2024

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 2025 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 2025 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.

RESOLUTION NO. 417

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

WHEREAS, a public hearing was duly held on the 28<sup>th</sup> day of October, 2024, 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 a Stop Sign at the corner of Rebel Road and Worthy Way and remove certain Yield Signs on West Neck Road and Worthy Way, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 18 – 2024, of which provides as follows:

LOCAL LAW NO. 18 of 2024

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

Section 1. Legislative Intent.

The Town Board determines that based on the combination of traffic flow, driver behavior, and existing signage, in order to protect the life, safety, and welfare of persons traversing the area of the intersection of West Neck Road and Worthy Way, a stop sign shall be installed at the corner of Rebel Road and Worthy Way and the yield signs located at certain points on West Neck Road and Worthy Way shall be removed.

Section 2. Amendment.

Section 126-2 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by adding the underlined words as follows:

§ 126-2. Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection of
<u>Rebel Road</u>	<u>West</u>	<u>Worthy Way</u>

Section 3. Amendment.

Section 126-3 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by deleting the stricken words as follows:

§ 126-3. Yield Intersections.

Yield Sign on	Direction of Travel	At Intersection of
<del>West Neck Road</del>	<del>Southwest</del>	<del>Worthy Way</del>
<del>Worthy Way</del>	<del>Northwest</del>	<del>Rebel Road</del>

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.

SUMMARY OF PROPOSED LAW

The purpose of this local law is to protect the health, safety, and welfare of those who traverse the area of the intersection of West Neck Road and Worthy Way.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 418

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

WHEREAS, Moran Eizenberger and Loren Brown, 102 Peconic Avenue have petitioned the Town of Shelter Island for permission remove and dispose of existing 75’ jetty, construct a new 70’ low profile jetty as per plans submitted by Costello Marine dated April 16, 2024, and

WHEREAS, a public hearing was duly held on the 28<sup>th</sup> day of October, 2024, for all interested persons to be heard in favor of or in opposition, now, therefore

BE IT RESOLVED, that 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;

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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. 419

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

WHEREAS, Nicholas Argyrou, 2 Sheep Pasture Lane, has petitioned the Town of Shelter Island for permission to relocate current mooring C-3657 to a location designated as 41.08821°North and -72.32245°West, and

WHEREAS, a public hearing was duly held on the 28<sup>th</sup> day of October, 2024, 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 41.08809°North and longitude - 72.32281°West, per WMAC recommendation.

Vote: 4 in favor 0 opposed

The resolution was therefore declared duly adopted.

At 9:55 p.m., the Supervisor made a motion to close. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

November 6, 2024

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 6<sup>th</sup> day of November, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilmen Albert Dickson, Benjamin Dyett and Councilwoman Margaret Anne Larsen. Town Clerk Amber Wilson approximately twenty persons were present. Town Attorney Stephen Kiely was absent. All Town Board members signed a waiver of notice.

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

Salute to Flag

November 6, 2024 – continued

Supervisor Brach-Williams called to order the public hearing to be held as advertised on the preliminary 2025 budget.

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

The Supervisor opened the hearing to those in favor of or opposition to. Nannette Lawrenson was present on behalf of the Shelter Island Historical Society regarding the \$15,000.00 contribution from the Town of Shelter Island and moving forward with a contract with the Town. Members of the public raised questions regarding the increased property tax, affordable housing, funding of the Shelter Island Historical Society, highwater rescue vehicle, professional services and the 2023 audit.

There being no further comments, the Supervisor made a motion to close the hearing subject to written correspondence until November 14, 2024, and called to order the public hearing to be held on the application of 62 Winthrop , LLC, c/o George Kramer, 57 Winthrop Road, to construct approximately 237' of stone retaining wall using 25 lb. to 2,000 lb. stone placed on filter cloth, construct a new 35" x 14' level walkway leading to existing 35' x 24' ramp and construct 3' wide pedestrian access stair as per plans submitted by Costello Marine dated May 21, 2024.

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: As of October 21, 2024, the DEC permit has not been submitted. There is going to be a ramp to access the dock and the dock is currently non-conforming. WMAC voted to approve this application subject to the approval of the DEC permit.

The Supervisor opened the hearing to all of those in favor of or opposition. Jack Costello was present for the applicant and gave a description of the proposed work. Ken Lewis, Highway Superintendent and Commissioner of Public Works stated he is concerned about the road deteriorating and hopes to repair it as soon as possible. There being no further comments, the Supervisor made a motion to close the hearing and reconvened the public hearing on the application of The Shelter Island Library Site Plan application.

The Supervisor opened the hearing to all those in favor of or opposition. Questions were raised regarding the vegetative plan, installing a crosswalk on Bateman Road, relocating trash bin, fire truck access, rooftop pv panels, the Department of Health approval and SEQRA determination. There being no further questions, the Supervisor made a motion to close the hearing subject to written correspondence until November 14, 2024.

#### RESOLUTION NO. 420

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

WHEREAS, 62 Winthrop , LLC, c/o George Kramer, 57 Winthrop Road, has petitioned the town to construct approximately 237' of stone retaining wall using 25 lb. to 2,000 lb. stone placed on filter cloth, construct a new 35" x 14' level walkway leading to existing 35' x 24' ramp and construct 3' wide pedestrian access stair as per plans submitted by Costello Marine dated May 21, 2024, and

WHEREAS, the Town Engineer, Superintendent of Highways and the Town Board have deemed this as an emergent repair due to the potential washout of the road, now, therefore

BE IT RESOLVED, the Town Board hereby calls for a special meeting on Wednesday, November 6th, 2024, at 1:00 p.m., prevailing time 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. 421

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

November 6, 2024 – continued

BE IT RESOLVED, that Resolution No. 387 – 2024 is hereby amended to read as follows:

WHEREAS, the Justice Court has requested permission from the Town Board to apply for The Justice Court Assistance Program for the year of 2024, and

WHEREAS, the Town Board has approved said request, now, therefore

BE IT RESOLVED, the Town Board of the Town of Shelter Island authorizes the Shelter Island Town Court to apply for a JCAP grant in the 2024-2025 grant cycle up to \$6,766.92.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 2:55 p.m., the Supervisor made a motion to close the special meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

November 19, 2024

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 19<sup>th</sup> day of November, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilman Benjamin Dyett, and Councilwomen Margaret Anne Larsen. Town Attorney Stephen Kiely, Town Amber Wilson, and approximately seven persons were also present. Councilman Dickson was absent. All Town Board members signed a waiver of notice.

The Supervisor called the meeting to order at 2:12 p.m.

The Supervisor reconvened the public hearing on the application of Patrick Loftus-Hills and Konnin Tam, 169 Ram Island Road, for a wetlands permit to remove and dispose of +/- 248' of existing bulkhead, construct 147' of bulkhead, construct a 22' and 33' return for a total of 202'. New bulkhead will be approximately 9' elevation, supply and install 1-3 ton stones under 2.5 tons per linear foot along the toe of 147' bulkhead and on the 22' return. Construct a 10' splash zone landward of the bulkhead using approximately 90 tons of 20-50 lb stone. Stone will be placed on filter fabric. Construct a 68' rock revetment with a 78' return consisting of 1 row of 1-3 ton stone +/-15' of revetment must be angled to allow boat trailer access. Construct a 110' stone retaining wall. The wall will consist of 4 ton, 3 ton, 2 ton, and 1 ton stones reaching an elevation of +13' on a 45° angle. Construct a 10' x58' +/- ramped path with gravel and marl. Construct a 10'x24' ramp with flat stone (~12"x36"x36), marl, hardcourse stone and clean trucked-in beach compatible sand approved by client. Construct a 15'x40' ramp with flat stone (~12"x36"x36), marl, hardcourse stone and clean trucked-in beach compatible sand approved by client. Construct marine stairs 6'x30' (180sq.ft.). Construct a 24'x34'x18" ramped sand path (+/-815sq.ft. & +/-46c.y). Construct a stone slope varying 3'-12' wide x 76' long (+/-556sq.ft.). Vegetate a +/-2,903sq.ft.area with shore planting, as per plans submitted Costello Marine Contracting Corp.

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

Jack Costello and John Bennett were present for the applicant. The FEAF and vegetative plans were submitted as requested.

The Supervisor opened the hearing to all those in favor of or in opposition. Their being no further comments, the Supervisor made a motion to close this hearing 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 dock permits by the Town Board.

The Supervisor opened the hear to all those in favor of or opposition to. Their being no further comments, the Supervisor made a motion to close this hearing.

RESOLUTION NO. 422

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

WHEREAS, pursuant to Section 108 of the Town Law, a public hearing was duly held on the 6th day of November, 2024, on the preliminary budget for 2025, 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 2025.

Roll Call Vote:

Councilwoman Larsen            aye

Councilman Dyett                aye

Supervisor Brach Williams    aye

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 423

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

WHEREAS, the Town authorized the commencement of an action pursuant to Town Law Section 268 to be brought in the Supreme Court of the State of New York to, among other relief sought, permanently enjoin ongoing violation(s) of the Town Code alleged to be occurring and existing at the property located at 18 North Cartwright Road, Shelter Island, New York, Suffolk County Tax Map Number as 700-15-4-124; and

WHEREAS, such action has been commenced and is pending under Suffolk County Index Number 611183/2024; and

WHEREAS, the Town made application to the Court by motion (Order to Show Cause) for a temporary restraining order and preliminary injunction pending the determination of the action for a permanent injunction; and

WHEREAS, the Court has overseen proceedings and conferences in connection with the motion; and

WHEREAS, the parties have prepared a Stipulation to resolve the motion; and

WHEREAS, the Stipulation provides for the enjoinder and cessation of activities and conditions complained of, and largely accomplishes the objective of the motion; and

WHEREAS, the Stipulation solely resolves the motion and does not foreclose the Town from pursuing the full relief of a permanent injunction nor the waiver of any of the Town's rights; and

WHEREAS, it is expected that the Stipulation will be "So Ordered" by the assigned Justice and thus enforceable by such Justice in the pending action;

NOW, then, it is hereby RESOLVED that counsel for the Town is authorized to enter into the Stipulation and file same to the Court.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 424

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

WHEREAS, the Town Board of the Town of Shelter Island (Town Board) has reviewed the application for the proposed building and site improvements at the Perlman Music Program

site located at 73 Shore Road and 65 Stearns Point Road in the Town of Shelter Island, New York (“proposed action”); and

WHEREAS, the proposed action includes (1) renovations and improvements to existing buildings; (2) demolition of select existing buildings; (3) construction of new buildings which would increase the overall square foot living area (SFLA) by 22,093 SF from 47,833 SF to 69,926 SF; (4) relocation and construction of walkways; (5) improvements to existing internal driveways/roadways; (6) expansion of parking areas for 67 formalized spaces; (7) establishment of a courtyard(s), landscaped areas and revegetated areas; (8) temporary improvements to the existing tennis courts/performance area and future conversion to a permanent open sided performance space with a green room to accommodate loose seating of approximately 300 people; (9) ADA improvements including access to roadway, parking, pedestrian pathways, buildings and performance space; (10) new truck delivery area and improved trash/recycling area and (11) infrastructure upgrades. The infrastructure upgrades include: (a) the installation of I/A on-site wastewater treatment systems (OWTS), (b) improvements to the existing drainage system including the installation of drainage structures, regrading, and replacing portions of impervious surfaces with permeable surfaces (c) conversion of two (2) monitoring wells for use as potable water wells to be installed with enhanced filtration and closure of two (2) existing potable wells, (d) installation of rooftop solar panels on the proposed dining hall and (e) upgrades to and installation of site lighting for safety and building entries; and

WHEREAS, pursuant to 6 NYCRR Part 617.6(b)(3)(i), coordinated review undertaken by the Town Board on August 6, 2024 with the following involved agencies and interested parties: Town of Shelter Island Zoning Board of Appeals; Town of Shelter Island Building Department; Town of Shelter Island Fire Marshal; Town of Shelter Island Highway Department; Town of Shelter Island Planning Board; Town of Shelter Island Conservation Advisory Council; Shelter Island Fire District; Suffolk County Department of Health Services (SCDHS); Suffolk County Planning Commission (SCPC); New York State Department of Environmental Conservation (NYSDEC); and the New York State Department of State (NYS DOS); and

WHEREAS, during coordinated review, there were no objections to the Town Board serving as lead agency;

WHEREAS, the Town Board declared itself lead agency for the proposed action, pursuant to the implementing regulations of the State Environmental Quality Review Act, specifically 6 NYCRR §617.6(b)(4); and

WHEREAS, the Town Board, as lead agency, has caused to be prepared Parts 2 and 3 of the Full Environmental Assessment Form (FEAF) with a Supplemental Analysis (as prepared by P.W. Grosser Consulting, Inc.), and also caused consultations to be undertaken with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP); and

WHEREAS, the Town Board has reviewed the aforesaid FEAF, Supplemental Analysis and other relevant information, reports, plans and assessments, and agrees with the contents thereof.

NOW, THEREFORE, BE IT RESOLVED that, the Town Board, as lead agency for the action contemplated herein, after review of the proposed action, 6 NYCRR Part 617, and Section 60-12B.(3) hereby determines that the above-described project is a Type I action; and

BE IT FURTHER RESOLVED that, based upon the information contained in the FEAF and other relevant information, the Town Board, as lead agency for the action contemplated herein, and after due deliberation, review and analysis, hereby determines that the proposed action will not result in significant adverse impacts to the environment, and hereby adopts the annexed Negative Declaration.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 425

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

WHEREAS, the Town Board of the Town of Shelter Island (Town Board) has reviewed the application for the proposed building and site improvements at the Shelter Island Library site located at 37 North Ferry Road in the Town of Shelter Island, New York (“proposed action”); and

WHEREAS, the proposed action includes renovations to the existing 6,285-square-foot (SF) library, a 5,830 SF, two-story building addition increasing the gross floor area (GFA) by 5,830 SF from 6,285 SF to 12,115 SF (represents an approximately 93% expansion), the expansion of existing on-site parking from 21 to 46 stalls (includes 14 land banked spaces); the replacement of the existing septic system with an Innovative and Alternative On-site Wastewater Treatment System (I/A OWTS); the abandonment of the existing water supply well and installation of one new well in the northeast corner of the subject property which would include a water treatment system consisting of sediment filters, UV disinfection, and commercial iron filters; and a stormwater management plan including the installation of catch basin and drywells to accommodate a five-inch rain event; and

WHEREAS, pursuant to 6 NYCRR Part 617.6(b)(3)(i), coordinated review undertaken by the Town Board on September 25, 2024 with the following involved agencies and interested parties: Town of Shelter Island Building Department; Town of Shelter Island Conservation Advisory Council; Town of Shelter Island Planning Board; Suffolk County Department of Health Services (SCDHS) Office of Wastewater Management; SCDHS Office of Water Resources; Suffolk County Planning Commission (SCPC); New York State Department of Environmental Conservation (NYSDEC); New York State Department of State (NYS DOS) and Dormitory Authority of the State of New York (DASNY); and

WHEREAS, during coordinated review, there were no objections to the Town Board serving as lead agency;

WHEREAS, the Town Board declared itself lead agency for the proposed action, pursuant to the implementing regulations of the State Environmental Quality Review Act, specifically 6 NYCRR§617.6(b)(4); and

WHEREAS, the Town Board, as lead agency, has caused to be prepared Parts 2 and 3 of the Full Environmental Assessment Form (FEAF) with a Supplemental Analysis (as prepared by P.W.

Grosser Consulting, Inc.), and also caused additional consultations to be undertaken with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP); and

WHEREAS, the Town Board has reviewed the aforesaid FEAF, Supplemental Analysis and other relevant information, reports, plans and assessments, and agrees with the contents thereof;

NOW, THEREFORE, BE IT RESOLVED that, the Town Board, as lead agency for the action contemplated herein, after review of the proposed action, 6 NYCRR Part 617, and Section 60-12B.(3) of the Town Code, hereby determines that the above-described project is a Type I action; and

BE IT FURTHER RESOLVED that, based upon the information contained in the FEAF and other relevant information, the Town Board, as lead agency for the action contemplated herein, and after due deliberation, review and analysis, hereby determines that the proposed action will not result in significant adverse impacts to the environment, and hereby adopts the annexed Negative Declaration.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

#### RESOLUTION NO. 426

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

WHEREAS, a public hearing was duly held on Tuesday, November 19, 2024, at 1:00 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 dock permits by the Town Board, now, therefore,

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 19 – 2024, of which provides as follows:

#### LOCAL LAW NO. 19 of 2024

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

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

Section 1. Legislative Intent.

Due to the increased growth and a spread of development throughout the town, including the requests for docks along Shelter Island’s fragile shoreline and a growing disparity between the Town code, as written, and the needs of our community, the Town Board enacted a three-month moratorium on the acceptance and review of all new and pending dock applications. In accordance therewith, the Town Board charged the Waterways Management Advisory Council (“WMAC”) to review the adequacy of our current dock code and to rewrite same 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. On October 7, 2024, there was a public hearing on the proposed amendment which garnered immense public interest, and the Town Board is currently in the process of reviewing the comments made and potentially amending the law in kind. Therefore, it has been determined a final three (3) month extension of the subject moratorium is required.

Section 2. Moratorium Extended Term.

A. Local Law No. 1 of 2024 imposing a three (3) month moratorium, and Local Laws No. 4 and No. 12 extending subject moratorium requiring that no board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of a dock located within the Town of Shelter Island is hereby extended for an additional three (3) month period of time through February 23, 2025.

B. Except as otherwise amended herein, all of the provisions of Local Law No. 1 of 2024, shall be extended for an additional three (3) month period of time through February 23, 2025.

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 dock applications by three months to afford additional time to finalize the amendment to the Dock Code.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 427

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

WHEREAS, pursuant to Town Code Section 109-14, entitled “Fees”, the Town Board is authorized to establish application fees for Site Plan review via resolutions, and

WHEREAS, the Town Board has not yet established such fees, now, therefore

November 19, 2024 – continued

BE IT RESOLVED, that the Town Board hereby sets the site plan review application fee to be a flat fee of \$1,500.00, effective immediately.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted

On motion of Supervisor Brach-Williams and seconded by Councilman Colligan, the special meeting was adjourned at 3:34 p.m. The motion was carried.

Amber Wilson  
Town Clerk

November 25, 2024

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 November, 2024. Town Board members present were Supervisor Amber Brach-Williams, Councilwoman Margaret Anne Larsen, Councilman Albert Dickson and Councilman Benjamin Dyett. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately twenty five persons were also present.

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

Salute to flag

RESOLUTION NO. 428

Councilman Dickson 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 Monday, December 16<sup>th</sup>, 2024, at 6:00 p.m., prevailing time to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 53, entitled “Docks”, to update the Code to address current environmental conditions of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 53, entitled “Docks”, to update the Code to address current environmental conditions

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

Section 1. Legislative Intent.

This chapter shall regulate the use of Town-owned docks, piers, wharves and bulkheads; the size, placement, and use of commercial and private docks; the size, placement, and use of other water related structures including but not limited to groins and jetties; and the removal of materials from lands under water by dredging and other means. The Town Board of the Town of Shelter Island deems it in the public interest to regulate the presence, installation, use, size, impact, and placement of docks and other structures in order to preserve and protect Town Waters and the environment while accommodating reasonable use thereof by the general public for general recreational, fishing, and shellfishing and by adjacent upland owners for access to navigation.

Section 2. Amendment.

Chapter 53 (Docks), is hereby amended by adding or moving within the Chapter the underlined words and removing the stricken words as follows:

ARTICLE I

General Provisions

§ 53-1. Title.

This chapter shall be known as the "Town of Shelter Island Dock Local Law."

§ 53-2. Applicability.

This amendment shall not apply to any dock application which secured New York State Department of Environmental Conservation approval for said dock prior to February 13, 2024, the effective date of the first Dock Moratorium, and said application shall be bound by the regulations, and reviewed under the standards, which existed in Chapter 53, entitled "Docks", as of February 13, 2024.

~~§ 53-3. Statutory authority.~~

~~This chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law and the New York State Constitution.~~

~~§ 53-4. Enforcement.~~

~~The Dock Inspector, shall be a member of the building department of the Town of Shelter Island, and is hereby authorized and directed to enforce the provisions of this chapter.~~

§ 53-53. Definitions.

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

BOAT or VESSEL — Any floating object capable of being used as a means of transportation in water. ~~and including any airplane capable of landing on water.~~

BOATYARD — A commercial facility for maintenance, construction and/or repair of any type of watercraft with or without provision of supplies, storage, fueling or the retail sale of boats, motors and marine equipment.

CHANNEL — Water areas specifically reserved for unobstructed movement of vessels which may be marked by navigational aids permitted by the United States Coast Guard and/or the State of New York and/ or the Town of Shelter Island.

COMMERCIAL DOCK — A dock utilized for commercial purposes. Under this chapter, such dock shall be located in "B" Zoned property with title held by or be part of an existing commercial boatyard or marina and used and operated exclusively by a boatyard or marina.

COMMERCIAL VESSEL — A boat or vessel used primarily to generate income, from which the owner obtains any a significant portion of his income and/ or which is documented or registered as a commercial/passenger vessel either with New York State or the United States Coast Guard, or such vessel that requires a commercial United States Coast Guard license be held for its operation.

DOCK — Any structure whether floating and/or fixed designed to accommodate a boat, such structure being attached at least on one end to the upland and elsewhere to the underwater lands below the mean ~~high water~~ high water mark, and including accessories to said structure, such as floats, dolphins, pilings, ~~splashboards,~~ anchors and anchor lines, ~~ramps,~~ ladders, lifts, ~~and~~ hoists, ramps, boardwalks and other means of access. A permit for a dock shall run with ownership of the land and the tax lot number assigned to the upland shall be recorded in the application and permit.

DOCK INSPECTOR — The duly appointed Building Inspector, harbor master or other qualified, authorized individual of the Town of Shelter Island.

~~DOMICILIARY — A natural person who has actually and consistently lived within the Town of Shelter Island for a period of not less than one (1) year immediately preceding their application hereunder.~~

DREDGING - excavation of material from underwater lands.

ENTITY - A body, created by law, including but not limited to a corporation, company, limited liability company (LLC), partnership, trust, association, enterprise, or organization. The beneficial

Owner(s) of which must be identified in any application submitted to the Town of Shelter Island under this Chapter.

FORESHORE — The passageway around the perimeter of Shelter Island between the mean high and mean low water ~~high and mean low water~~ marks.

INLAND WATERS – Exclusive of Outside Shoreline, all bays, creeks, harbors and the tributaries of the following bodies of water: Coecles Harbor including Congdon Creek, Foxen Creek and Cedar Island Cove; Bass Creek, Cabin Creek, Nicholl’s Creek, Smith Cove Basin, Mabel’s Creek, West Neck Harbor beginning at the base of Heron Lane (41.04762°N 72.33091°W) and including Dickerson Creek, Menantic Creek, West Neck Creek, West Neck Harbor, Silver Beach Lagoon and ending at Shell Beach Point (41.04707°N 72.33887°W); Crab Creek, and Dering Harbor beginning at Chequit Point (41.08792°N 72.35361°W) including Gardiners Creek and ending at Dering Point (41.09489°N 72.34787°W).

MARINA - A commercial waterfront facility having the primary function of providing rental space for berthing vessels, with or without provision for sales of food and beverages, general supplies, fuel, boats and equipment, vessel repairs and maintenance, and the rental of commercial moorings.

MEAN LOW WATER – For each location, the average of all of the low water heights observed over the most recent National Tidal Datum Epoch (NTDE) by using the most geographically relevant and most recent NOAA data.

MEAN HIGH WATER – For each location, the average of all of the high water heights observed over the most recent National Tidal Datum Epoch (NTDE) by using the most geographically relevant and most recent NOAA data.

OUTSIDE SHORELINE – The entire external shoreline of Shelter Island which does not interface with Inland Waters and does not extend beyond the boundaries established for Inland Waters.

OWNER(S) — The pPerson(s) or eEntity(ies) in whose name the upland to which the dock is connected is/are recorded in the office of the Suffolk County Clerk.

PERMITTEE — The oOwner to whom a dock permit has been issued.

PERSON – A natural person, human being as distinguished from a person such as a corporation or other entity created by operation of law.

PIER LINE – a line seaward of mean high water by a distance which is the average length of at least two (2) existing docks located among three (3) contiguous, buildable upland parcels. Where three (3) or more existing docks are located on contiguous upland parcels, the Pier Line shall be the average length of all such docks. Applicable dock lengths shall be those existing at the time of this provision's adoption and at least one existing dock is adjacent to applicant’s location.

PLEASURE VESSEL — All boats or vessels other than government, commercial and institutional, such as Not for Profit organizations, schools and research facilities.

PRIVATE DOCK — A dock utilized by the oOwner or occupant to accommodate for pleasure vessels or resident owned commercial fishing vessels and for recreational purposes, and/or recreational purposes.

RESIDENT — Includes all domiciliaries, natural persons who have actually and consistently lived within the Town of Shelter Island for a period of not less than one (1) year immediately preceding their application hereunder, and all persons and entities who have actually and consistently resided owned real property within the Town of Shelter Island which has been developed or may be developed pursuant to the Town’s applicable Code Chapters, for a period of not less than six months one (1) year immediately preceding their application for a permit hereunder, and/or owners of real property situate in the Town of Shelter Island.

RIPARIAN RIGHTS — The entitlement right of the oOwner of upland property fronting on a body of water to reasonable access to and use of such navigable water.

SHORELINE — The interface of waterway and upland, at specified location and tidal condition.

TOWN DOCK — A dock or pier owned or managed by the Town.

TOWN WATERS — All waters and land below the mean high water high water mark over which the Town of Shelter Island has jurisdiction.

UPLAND – Land located above the mean high water high water mark.

UNSUITABLE LOCATIONS – areas impacted by one or more of the following: exposure to inordinate wave action driven by wind and/or boat traffic; lack of adequate depth; comprised of pristine, preserved or public beaches; and, therefore inappropriate for the construction or installation of new docks due to potential harm to individuals, real and/or personal property and the environment. Such areas include the outside shoreline of the following areas are designated as follows:

Section A – Hay Beach Point (41.10715°N 72.33475°W) to Reel Point (41.06939°N 72.28102°W)

Section B – Sungic Point (41.06893°N 72.28318°W) to Nicholl's Creek (41.05395°N 72.31343°W)

Section C - Jennings Point (41.07173°N 72.38388°W) to Shell Beach Point (41.04707°N 72.33887°W)

WATER CONTROL RELATED STRUCTURE — ~~Is a structure other than a dock, including but not limited to, bulkheads, groins or jetties intended to manage the impact of water upon the adjacent land. a bulkhead, pile, building, pier, wharf, jetty, groin, dolphin, dike, dam or other structure, any part of which is embedded in or attached to land below water or within the limits of the foreshore.~~

~~WATER FRONTAGE~~ — ~~The line along the mean high water mark which defines the interface between a lot and the waterway.~~

## ARTICLE II

### Town-Owned Docks, Piers and Wharves

~~§ 53-634.~~ Legislative findings.

It is hereby determined that the existing docks, piers ~~and~~, wharves ~~and~~ bulkheads of the Town of Shelter Island located at Congdon's Creek at the easterly terminus of Congdon Road and at Dering Harbor at the easterly terminus of Bridge Street in the Town of Shelter Island are hereby established as self-supporting improvements, pursuant to § 141 of the Town Law of the State of New York.

~~§ 53-7.~~ Permit required.

~~No person shall moor or secure a boat at the docks, piers and wharves located either at Congdon's Creek or at Dering Harbor without first obtaining a permit from the Town Clerk, except as hereinafter provided. Said permits shall include a sticker, which must be displayed on the authorized boat adjacent to the displayed registration number.~~

~~A. Congdon's Creek dock, pier and wharves.~~

~~(1) A dock permit may be issued for any type of boat with a minimum length of 12 feet.~~

~~(2) Any such permit shall be valid for a term ending March 31 of each year. During the transition to this annual renewal date, permits shall be issued for varying periods all to terminate March 31, 2012.~~

~~(3) No slip shall hold more than one boat which shall be no longer than 35 feet length overall. The beam of the boat shall be less than the distance between the standoff piles for the slip for which the permit is issued.~~

~~(4) Each applicant for a permit or permit renewal for a slip shall provide the Town Clerk with the applicant's name, proof of residency, proof of his ownership of boat, description of boat, number and name of boat and proof of proper registration. A current photo of the boat must be submitted with the initial permit application. Any permittee must own the same boat at the time the permit is issued within 60 days thereafter.~~

~~(5) Initial and renewal permits may be obtained directly from the Town Clerk upon submission of proof satisfactory to the Town Clerk that said permittee is a resident of the Town of Shelter Island and owns the same boat as described on the permit. If such permittee wants to berth a different boat, he must provide the Town Clerk with proof of his ownership of such boat, a description of the boat, its name and registration number and proof of proper registration of boat. Slips not renewed by April 1, 2012, and every year thereafter, including mail renewals postmarked after April 1, shall be assigned by the Town Clerk to the next applicant on the wait list.~~

~~(6) The Town Board from time to time may establish, on its own motion, the fees for docking and mooring of boats and for the wait list.~~

~~(7) No person shall moor or secure a boat at the end of the dock more than two consecutive hours, nor shall any boat so secured or moored exceed 30 feet in length. A dock permit shall not be required in this event.~~

~~(8) In the event that there are more applications than available spaces, a wait list will be established to determine the awarding of permits. A person must meet residency requirements to be placed on the wait list and supply their name and contact information. A person on the waiting list who qualifies for a sublet may remain on the waiting list for a slip assignment.~~

(9) A permittee who is unable to have his/her boat in slip from July 1 through September 30 (high season) must notify the Town Clerk by June 1. The Town Clerk will offer the slip for a high season sublet to the next interested applicant on the wait list. If the applicant accepts, all the information for a new permit application must be submitted, and the permit fee paid to the Town Clerk for that high season period, and the Town Clerk will issue a permit for occupancy during that high season. The original permittee may only do a high season sublet twice during his slip tenancy.

(10) Off-season sublet: October 1 through June 30. A permittee may allow another person to use his slip from October 1 through June 30 provided he notifies the Town Clerk, and the sub-lessee submits all the information for a new permit application and pays the permit fee to the Town Clerk for that off-season period, and the Town Clerk will issue a permit for occupancy during that off-season.

(11) If permittee dies, the permit for that slip may be transferred only to a surviving spouse, providing they meet all requirements of this chapter.

(12) All permittees, including sub-lessees, shall comply with the provisions of this chapter. Upon a second violation of this chapter, the permit may be revoked after a noticed hearing before the Waterways Committee.

#### B. Dering Harbor dock, pier and wharves.

(1) A dock permit may be issued for the west side of the dock for a period of nine months, extending from September 15 through the following June 15. The use of the west side of the dock shall be limited to resident commercial vessels.

(2) Applications for a permit for resident commercial vessels shall be made no later than September 16 of each year. In the event that there are more applications than available spaces, a lottery will be held to determine the awarding of permits. If there are more spaces than applications, the Town Board reserves the right to continue to accept additional applications for spaces remaining. Otherwise, the use of the west side of the dock shall be in accordance with Subsection B(5) herein.

(3) Each applicant shall provide the Town Clerk with his name, Shelter Island address, proof of his ownership of boat, description of boat, number and name of boat and proof of proper registration.

(4) During the period from June 15 to September 15 of each year, no person shall moor or secure a boat for more than two consecutive hours. A dock permit shall not be required in this event.

(5) During the period from September 16 to June 14 of each year, a boat may be moored or secured for no more than 10 consecutive days on one occasion during such period, provided that the Town Clerk has been notified, in writing, of the same.

(6) The Town Board from time to time may establish, on its own motion, the fees for docking or mooring of boats.

#### § 53-8.45 Additional regulations. Docking; Permit Required; Fees; Temporary Use

A. No person shall live or reside on a boat docked, secured or moored at any Town-owned dock, pier, wharf, bulkhead or similar facility within the Town.

B. No person shall moor or secure a boat for more than two consecutive hours at the Town-owned bulkhead at Grace's Lane in Dickerson Creek, except that during designated scallop season, a resident with a shellfish permit issued by the Town of Shelter Island may use the floating dock or bulkhead for purposes relating to the taking of scallops only; provided, however, that any such boat shall not exceed 25 feet in length and must be moored or secured parallel to the floating dock or bulkhead.

C. No person shall moor or secure a boat on the end or east face of the Town-owned dock at Daniel Lord Road. The west face along the launching ramp is for active launching, hauling, loading, and unloading of boats only and has a ten-minute docking limit.

D. Acceptance of a permit under this chapter shall constitute an agreement that the permit holder will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with the mooring or securing of his boat, nor is the Town responsible for loss, damage or theft of boats and/or other contents or to any other private property.

E. The Town Board reserves the right to enact additional rules and regulations with respect to mooring or securing boats at docks, piers, wharves, bulkheads or similar facilities owned by the Town of Shelter Island. Any permit hereafter issued shall be issued subject to the permittee conforming to any rules and regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board.

No person shall overnight aboard a vessel docked, moored or secured to any Town-owned dock, piers, wharves, bulkheads or other similar Town-owned structures.

No person shall dock, moor or secure any vessel to any Town-owned dock, piers, wharves, bulkheads or other similar Town-owned structures without first obtaining a permit as prescribed by this chapter.

Notwithstanding the above, no permit shall be required to dock, moor or secure a vessel to the following:

Congdon Creek Bulkheads, while actively loading, unloading, hauling or launching a vessel.

Dering Harbor Town Dock, between June 15<sup>th</sup> and September 15<sup>th</sup> for no more than two (2) consecutive hours.

Dering Harbor Town Dock, between September 16<sup>th</sup> and June 14<sup>th</sup> for no more than 10 consecutive days on one occasion during such period, provided that the Town Clerk has been notified, in writing, of the same.

Daniel Lord Road Town Dock, while actively loading, unloading, hauling or launching a vessel.

Grace's Lane Bulkheads and Public Floating Dock, for no more than two (2) consecutive hours.

#### Types of Permits

A Congdon Creek Town Dock Permit shall entitle the holder thereof to dock, moor or secure a vessel to the Congdon Creek Town Dock subject to the rules and regulations of such permit.

A Dering Harbor Town Dock Permit shall entitle the holder thereof to dock, moor or secure a vessel to the Dering Harbor Town Dock, between September 16<sup>th</sup> and June 14<sup>th</sup>, subject to the rules and regulations of such permit.

A Dickerson Creek Town Dock Permit shall entitle the holder thereof to dock, moor or secure a vessel to the Grace's Lane Bulkheads and Public Floating Dock between September 16<sup>th</sup> and June 14<sup>th</sup>, subject to the rules and regulations of such permit.

A Shore Road Town Dock Permit shall entitle the holder thereof to dock, moor or secure a vessel to the Shore Road Town Dock pursuant to a license or lease agreement executed by the Town Board.

#### Permit Rules and Regulations

The rules and regulations for the permits listed above shall be established by the Waterways Management Advisory Council and approved by resolution of the Town Board. Such terms and conditions shall be periodically reviewed and amended, as needed.

#### Fees

The Town Board may, by resolution, set and from time to time adjust the fees to be paid for each type of permit and inspection.

#### Temporary Use

Notwithstanding the above, nothing in this section shall prohibit the temporary use of any Town-owned dock, piers, wharves, bulkheads or other similar Town-owned structures as authorized by the Shelter Island Town Police Department or applicable authority.

Acceptance of a permit under this chapter shall constitute an agreement that the permit holder will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with the mooring or securing of his boat, nor is the Town responsible for loss, damage or theft of boats and/or other contents or to any other private property

The Town Board reserves the right to enact additional rules and regulations with respect to mooring or securing boats at docks, piers, wharves, bulkheads or similar facilities owned by the Town of Shelter Island. Any permit hereafter issued shall be issued subject to the permittee conforming to any rules and regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board.

### ARTICLE III

#### Commercial and Private Docks

##### § 53-956. Permit application.

A permit shall be required for the construction, alteration or modification of a dock, which includes the extension of utilities, such as but not limited to, water, electric, cable and telephone. Additionally, the extension of utilities requires a permit issued by the building department of the Town of Shelter Island. The repair of an existing previously permitted dock shall not require a permit unless ~~permit shall not be required for the repair of a dock, except in any of the following circumstances:~~

(1) ~~When~~ ~~†~~ ~~The~~ ~~total~~ ~~cost~~ ~~for~~ ~~such~~ ~~repair~~ ~~of~~ ~~an~~ ~~existing~~ ~~dock~~ ~~exceeds~~ ~~\$10,000.~~

(2) ~~When~~ ~~†~~ ~~The~~ ~~repair~~ ~~is~~ ~~other~~ ~~than~~ ~~in~~ ~~kind~~ ~~and~~ ~~in~~ ~~place.~~

(3) ~~When~~ ~~n~~ ~~No~~ ~~previous~~ ~~permit~~ ~~has~~ ~~been~~ ~~issued~~ ~~for~~ ~~the~~ ~~construction~~ ~~of~~ ~~a~~ ~~dock.~~

(4) ~~(3)~~ ~~When~~ ~~less~~ ~~than~~ ~~30%~~ Less than fifty percent (50%), as determined by the Dock Inspector, of the original structure's supporting members, such as pilings and framing, remains in a structurally sound condition.

(5) ~~(4)~~ ~~Extension~~ ~~of~~ ~~utilities~~ ~~(including~~ ~~water,~~ ~~electric,~~ ~~cable~~ ~~and~~ ~~telephone)~~ ~~to~~ ~~a~~ ~~dock~~ ~~requires~~ ~~a~~ ~~building~~ ~~permit~~ ~~issued~~ ~~by~~ ~~the~~ ~~Town~~ ~~Building~~ ~~Department.~~

Applications for permits ~~shall~~ may be made by the ~~owner~~ or the agent of the ~~owner~~ utilizing ~~standard~~ ~~forms~~ ~~available~~ ~~from~~ ~~the~~ issued by the Building Department office of the Town Clerk and shall include the tax lot number assigned to the adjacent upland.

Each permit application ~~for~~ ~~a~~ ~~new~~ ~~dock~~ shall include ~~be~~ ~~accompanied~~ ~~by~~ the following:

(1) For new construction only:

(1) ~~(1)~~ (a) A certified survey of the owner's property on which the proposed dock is to be located, indicating the zoning district and showing property lines, exact location of the proposed dock and other structures, existing in-water structures, any unusual natural features on the property and adjacent waters and depths to the nearest tenth of a foot at five-ten foot intervals to the end of the dock, measured at mean low water, as determined by a licensed surveyor. In the event the survey provided does not include all in-water structures and unusual features currently existing on the property, then a new survey shall be required.

(2) ~~(2)~~ (b) An accurately dimensioned scale drawing of the proposed dock in plan and elevation format showing the structural design details of the dock, including the location and type of services and utilities (including water, electric, cable, internet and telephone).

(3) ~~(3)~~ For new construction, modifications, alterations and permit required repairs:

(a) Specifications for the construction materials to be used.

(b) ~~Any~~ copies of applications and permits related to ~~issued~~ ~~by~~ ~~other~~ ~~agencies~~ ~~as~~ ~~may~~ ~~be~~ ~~required,~~ such as New York State Department of Environmental Conservation and/or the US Army Corps of Engineers.

(c) ~~(5)~~ A statement signed by the owner that the materials and design of the dock will meet all pertinent federal, state, county and Town regulations.

(d) ~~(6)~~ A statement signed by the owner that acceptance of a permit shall constitute an agreement that the permittee:

- (i~~a~~) Will indemnify and hold the Town of Shelter Island and its authorized representatives harmless from any and all liability or responsibility in connection with any property damage, loss, theft of boat, or boat's contents, or bodily injury that may occur as a result of the issuance of a permit hereunder, ~~nor is the Town responsible for the loss, damage or theft to boats and/or their contents~~; and
- (i~~i~~b) Consents to the entry on the property by the Dock Inspector or other authorized representatives of the Town in order to make such inspections as the Town may deem necessary to ensure compliance with the terms and conditions of the permit.
- (e~~7~~) The following proof of insurance in force:
  - (i~~a~~) From the Owner, a certificate of insurance for at least \$300,000 liability on the location and operations covered by said permit; and
  - (i~~i~~b) From the contractor performing the operations covered by said permit, an Owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least \$500,000 covering operations of the contractor pursuant to said permit.
- (f~~8~~) The requisite fee to be determined by the Town Board.
- (g) ~~A copy of a wetlands application permit issued pursuant to Chapter 129, if required.~~
- (h~~9~~) Any other information which the Town Board may deem necessary.

In addition to the above, it shall be a prerequisite for a complete application that each extreme seaward corner of the footprint of the offshore location of ~~for~~ the fixed or floating portion of the proposed dock be clearly delineated by a minimum of four with a stakes and that additional stakes be placed at the intersection of the mean high water mark with the proposed dock and the upland property boundaries nearest the dock. The location of any dolphin shall also be marked with a stake. The locations to be marked by these stakes shall be specifically labeled and of these stakes should correspond exactly to the configuration of the proposed dock on the scale drawing accompanying the permit application.

An applicant for new dock construction must be a resident, as defined in this Chapter, and be the Owner of the subject location for a period of not less than one (1) year immediately preceding their application for a permit hereunder.

Every applicant shall authorize the Dock Inspector, members of the Waterways Management Advisory Council, members of the Town Board, the Town's Environmental Analyst, and other Town Officials and agents to enter onto the subject property.

Every applicant shall submit application and permit fees. The applicant shall submit the dock application to the Building Department and pay the requisite fee. The Town Board may, by resolution, set and from time to time adjust the fees and the applicant shall bear any costs associated with the review of the subject application by the Town's Environmental Analyst.

§ 53-9.1-67. Permit issuance ~~and~~ terms.

All applications for permits shall be subject to a public hearing, except that applications to repair or maintain in kind and in place conforming and nonconforming, ~~replace or reconstruct any docks devices or structures included in this article shall~~ may be granted or denied by the Town Board without a public hearing. In making its determination, the Town Board shall consider the recommendations of the Waterways Management Advisory Council ~~Committee of the Town Board~~ and a report on the subject dock which shall be issued by the Dock Inspector and the Town's Environmental Analyst.

The validity of any permit issued shall be conditioned on the issuance of permits from other governmental or municipal authorities, including but not limited to the New York State Department of Environmental Conservation and the US Army Corps of Engineers as may be required.

A permit will expire 12 months from the date of issuance. A permit may be extended by resolution of the 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.

Acceptance of a permit and certificate of completion shall constitute an agreement that it shall be the applicant's and subsequent Owner's responsibility to ensure ~~endure~~ proper usage of the structure at all times, to maintain the structure in conformance with these regulations and in the interests of public safety and protection of the waterways and not to obstruct any rights of the public as may exist to use Town Waters and that such responsibilities survive expiration of the permit ~~the underwater lands~~.

Acceptance of a permit and certificate of completion shall also constitute an agreement that the Owner and the subsequent Owner(s) shall indemnify and hold the Town of Shelter Island and its

authorized representatives harmless from any and all liability or responsibility in connection with any property damage, loss, theft of boat, or boat's contents, or bodily injury that may occur as a result of the issuance of a permit hereunder hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damage that may arise from the issuance of this permit.

No dock construction may be commenced under the permit until the Building Department is notified by the dock contractor of the date construction will commence.

No certificate of compliance certifying satisfactory completion of a new dock, or other dock improvement designated by the Town Board, shall be issued until a survey showing the as-built location is submitted to the Building Department and determined by that department to be in conformance with the original plans, design and survey.

~~In addition to any other rights conferred,~~ a A permit and certificate of completion shall convey a nonexclusive right to use public bottom land owned by the Town of Shelter Island upon which any legally permitted dock is located.

Upon the transfer of any property, improved with a dock, the certificate of compliance shall be updated to include the new owner's name and either an inspection shall be conducted by the Dock Inspector to ensure that the subject dock is in good repair or a written certification from a licensed Dock Contractor shall be provided confirming same.

At least 30 days prior to a public hearing for existing dock alteration, modification or new dock construction, the applicant shall mail notice of the time, date, place and nature of the hearing to the owners of record of every property 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 and an affidavit with postal receipts annexed thereto confirming mailing of said notices. Failure to submit such an affidavit shall result in the adjournment of the public hearing.

~~§ 53-9.2. Limitations on fresh water docks.~~

~~No fixed dock, float or ramp, platform or other structure shall be constructed upon any body of fresh water owned by the Town of Shelter Island and no permit shall be issued for any such construction.~~

~~Preexisting nonpermitted and nonconforming structures existing as of June 30, 2020, are exempt from the standards set forth in § 53-9.2A of this chapter subject to the following:~~

~~They may be repaired or replaced in kind and in place; or~~

~~They may be altered, modified, or repaired where after review, is determined by the Town Board that any changes significantly lessen the preexisting nonconformity; or~~

~~Any structure, deteriorating, damaged, or destroyed by any cause, including an act of God where 30% or more of the original structure is usable and shall be permitted to remain so long as the repairs are in kind and in place or are determined by the Town Board to significantly lessen the preexisting noneonformity.~~

~~§ 53-10. Fees.~~

~~Permit fees for construction, alteration, modification or repair of a dock shall be established by resolution of the Town Board.~~

~~Permit fees for work on commercial docks shall not be more than twice that charged for private dock permit fees.~~

~~§ 53-44 78. Design and construction of private and commercial docks.~~

~~A dock shall not be an impediment nor a menace to navigation or constructed in areas identified as unsuitable and shall at all times always provide and allow suitable and unobstructed passageway around or over such dock so that the public will have free unobstructed passage along the foreshore of Shelter Island. No more than one (1) private dock shall be attached or connected to any parcel of upland.~~

~~The location of a dock shall cross the water frontage of a lot with intersection of a dock with the mean high water mark shall meet the same setback requirements ~~from the extremes of that water frontage~~ as apply for the principal dwelling on that lot, but in no case less than 25 feet from any adjacent lot. The dock shall extend seaward in a direction and configuration that does not intrude on neighboring lots' equivalent rights to current or future Chapter compliant dock location.~~

~~Length and depth of docks.~~

At mean ~~low-water~~ low water, a private dock may not extend into the waterway farther than the equivalent of 15% of the ~~shortest~~ distance at mean ~~low-water~~ low water from the point on the shoreline where the dock is located to the closest point on the opposite shoreline. Measurements are to be taken at the point where the proposed dock intersects the shoreline and over a ninety (90) degree arc with the proposed dock at the center of the arc. A channel with a minimum width of forty (40) feet and a minimum depth of two and one half (2.5) feet at mean low water shall be maintained between the terminus of the proposed dock and any existing dock or future Chapter compliant dock located, or potentially located, on the opposite shoreline.

A private dock may not:

If fixed, terminate at a point where the mean low water depth is less than two and one half (2.5) feet; if a float is used, no portion of the float shall be in mean low water that is less than two and one half (2.5) feet deep;

eExtend either more than 100 feet offshore from the shoreline at ~~mean high-water mark~~ on the owner's upland property at mean high water or beyond the point where mean ~~low-water~~ low water depth reaches four feet, whichever of these two conditions occurs sooner.

A private dock may not extend in total linear measure of all fixed portions of the dock, walkways, ramps, floats and distance to tie-off pilings or dolphins more than one and one half times the specified maximum allowable off-shore distance of the dock as measured from the shoreline at the owner's upland property at mean high water.

Pier Line exception: In the event a proposed private dock does not meet the requirements of 53-7(C)2(a) at a point one hundred (100) feet from the shoreline at the applicant's property at mean high water and the Pier Line adjacent to the applicant's property is greater than one hundred (100) feet, then the proposed dock may be extended as far as the Pier Line in order to meet the required depth of two and one half (2.5) feet at mean low water.

(4) A commercial dock may not:

Terminate at a point where mean low water depth is less than two and one half (2.5) feet;

eExtend either more than ~~300~~ one hundred (100) feet offshore from the ~~mean high-water mark~~ shoreline of the owner's upland property at mean high water, or beyond the point where the ~~mean low-water~~ depth at mean low water reaches six (6) feet, whichever of these two alternative conditions occurs sooner.

Length Exception: along the Outside Shoreline, at locations not previously developed by a dock, in the event a proposed dock does not reach a depth of four (4) feet at mean low water at a point one hundred (100) feet from the shoreline of applicant's property at mean high water, then the dock length may be extended to one hundred twenty five (125) feet, if such extension increases the depth at mean low water to at least four (4) feet.

Width of docks.

A private dock, exclusive of floats, but including walkways and ramps, shall be no wider than five feet except where any portion of the dock, walkways or ramps pass over rooted vegetation, in which case the width shall be limited to four (4) feet of open grating deck material; the deck area of floats shall be no greater than 200 square feet.

A commercial dock, exclusive of floats, but including walkways and ramps, shall be no wider than ~~10~~ eight (8) feet; floats shall be no wider than ~~12~~ eight (8) feet.

Any waterway's illumination, whether dock-mounted or shore-mounted, shall be focused downward and shall not directly light an area more than 10 feet beyond the foreshore or the footprint of the dock. Any illumination presently in existence shall be in compliance with this subsection no later than six months after the adoption of this chapter.

Private dock installations to store or convey fuel or sewage are prohibited shall not be permitted. Splashboards are discouraged but may be allowed if after review and consideration of the criteria set forth under section 16 of this Chapter, the Town Board determines they are suitable.

Chocking or blocking of floats is prohibited in areas where depth is less than two and one half (2.5) feet at mean low water.

Boatlifts at private docks are prohibited.

§ 53-~~12~~ 89. Existing docks.

A. The following are exempt from the standards set forth in § 53-7 of this chapter:

(1) Any dock in existence prior to the adoption of this chapter that is maintained, or repaired in kind and in place; or

- (2) Any alteration, ~~or modification, or repair~~ to a preexisting nonconforming dock which, after review, is determined by the Town Board to significantly lessen the preexisting nonconformity; or
- (3) Any repairs of a private dock, deteriorating, damaged, or destroyed by any cause, including an act of God where, as determined by the Dock Inspector, 30% 50% or more of the original structure's supporting members, such as pilings and framing, remain in a structurally sound condition ~~is usable and shall remain~~ so long as the repairs are in kind and in place or are determined by the Town Board to significantly lessen the preexisting nonconformity; and Upon application for the repair, modification or alteration of an existing dock the dock shall be inspected by the Dock Inspector to determine the structure's condition and structural integrity.

§ 53-13 ~~910~~. Responsibilities Limitation on Fresh Water Docks.

~~Acceptance of a permit shall constitute an agreement that it shall be the owner's responsibility to ensure proper usage of the dock at all times, to maintain the dock and all appurtenances and equipment in conformance with these regulations and in the interests of public safety and protection of the waterways and to not obstruct the right of the public to pass along the foreshore between the mean high and low water marks.~~

~~Acceptance of a permit shall also constitute an agreement that the owner will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damage that may arise from the issuance of this permit. Should the Dock Inspector determine that a dock has become a threat to life or property or a menace to navigation, he shall immediately notify the Town Board. Upon receipt of such notice, the Town Board shall direct the Dock Inspector to notify the owner of his findings regarding the condition of the dock by certified and regular mail and by posting such notification upon the owner's property of his findings regarding the condition of the dock. In the event that the owner does not remove or repair the dock within the time required by the Dock Inspector, the owner shall be notified by certified and regular mail that the Town will make any necessary repairs to render the dock safe at the owner's expense. Should the dock require removal, the owner shall be notified by certified and regular mail of the Town's intention to make an application to the Supreme Court, Suffolk County, for an order determining the dock to be a threat to life or property or a menace to navigation and directing that it be removed by the Town with all expenses incurred in this proceeding and the removal to be borne by the owner.~~

No fixed dock, float or ramp, platform or other structure shall be constructed upon any body of fresh water owned by the Town of Shelter Island and no permit shall be issued for any such construction.

Pre-existing non-permitted and non-conforming structures existing as of June 30, 2020 are exempt from the prohibitions set forth in Section 53-9(A) of the Chapter subject to the following: They may be repaired or replaced in kind and in place; or They may be altered, modified, or repaired where after review, it is determined by the Town Board that any changes significantly lessen the preexisting nonconformity; or Any structure, deteriorating, damaged, or destroyed by any cause, including an act of God where, as determined by the Dock Inspector, 50% or more of the original structure's supporting members, such as pilings and framing, remain in a structurally sound condition so long as the repairs are in kind and in place or are determined by the Town Board to significantly lessen the preexisting nonconformity.

§ 53-14 ~~1011~~. Regulations regarding living or residing on boats at docks.

A. No person shall live or reside for more than one week on a boat berthed at a private dock, nor shall an owner cause permit or allow overnight occupancy within a vessel berthed at such private dock to another person for money or any other valuable consideration.

~~B. Any person who shall live or reside for more than 48 hours on a boat with a head (bathroom) at a private dock must maintain a written log indicating a pump-out at least once per week and have such log as well as written documentation (such as a receipt from the pump-out facility) available for inspection by the dock inspector or bay constable upon request.~~

~~B.C.~~ No person shall live or reside on a boat at a commercial dock for any length of time without the expressed permission of the dock or marina owner and comply with all of the marina's policies regarding pump-outs, and discharge, and all relevant laws and regulations.

~~C.D.~~ Any boat vessel equipped with a head docked within the waters of the Town of Shelter Island shall:

If equipped with a Y valve, the operator shall maintain their the boat's Y valve said valve in a closed and secured position and make the equipment available for inspection by the dock inspector, or bay constable, harbormaster or other authorized individual performing such functions.

Maintain a written log indicating dates when the boat's marine waste storage tank was pumped out and make the log available for inspection by the dock inspector, bay constable, harbor master or other authorized individual performing such function.

§ 53-14.1 ~~11~~12. Storing and securing seasonal floating docks.

Any floating docks and ramps may not rest on or be stored in any vegetated tidal wetland. Floats that remain in the water when not in use must be properly secured and remain in the area designated in § 53-14 ~~7~~ A and B and not otherwise violate any provision of this chapter.

§ 53-15 ~~12~~13. Waivers.

The Town Board shall have the authority to modify or waive, subject to any appropriate conditions, any provision(s) of this chapter as in its judgment is ~~not requisite to~~ in the interests of the public health, safety and general welfare, except where such waiver would be contrary to other ordinances or state law. Such waiver(s) shall only be granted by the unanimous supermajority vote of the Town Board. A request for such waiver ~~shall~~ may be initiated by written request to the Town Board accompanied by documentation that fully explains and supports the reasons for the request.

Additional information may be sought from the applicant(s) seeking the waiver, at the discretion of the Town Board. The Town Board reserves the right to seek an opinion from the Waterways Management Council and/or the Environmental Analyst in connection with a waiver request and shall issue a written reasoned decision if such waiver is granted. The unique conditions that resulted in the granting of a waiver, which shall apply solely to the applicant's location, shall be recorded and made a part of any waiver granted.

Regarding applications for design standard waivers the Town Board shall at the minimum consider:

All possible Code complaint alternatives.

Unique site conditions.

The criteria enumerated in § 53-17.

Whether the waiver request arises from a self-created hardship.

And for unsuitable location waivers the Town Board shall consider the above factors and additionally consider:

The exposure of the property to inordinate wave action driven by wind and/or boat traffic;

Lack of adequate water depth;

The surrounding area is comprised of sensitive, pristine, preserved, or public beaches; and

The construction of the dock would imperil human or aquatic life.

#### ARTICLE IV

##### Other Water ~~Control~~ Related Structures

§ 53-16 ~~13~~14. Permit required.

No person or entity shall construct, alter, modify, repair, replace or reconstruct or place any bulkhead, pile, splashboard, wave curtain, float, building, pier, wharf, jetty, groin, dolphin, dike, dam or other water ~~control device or other~~ related structure, any part of which is embedded in or attached to land above or below water or within the limits of the foreshore, in or on any Town waters, Town lands under water, foreshore or state or county lands under water within the geographical limits of the Town, nor shall any person or entity remove or move any sand, gravel or other material from such lands in the Town of Shelter Island, by dredging or other means, without first obtaining a permit from the Shelter Island Town Board as well as permits related to other agencies as may be required. The provisions of this section do not apply to the installation, repair or replacement of moorings or stake, mooring and pulley systems, the regulations for which appear in Chapter 90 of this Town Code.

~~§ 53-17. Additional permit provisions.~~

~~Any water control structure in existence prior to the adoption of the chapter that is maintained in kind and in place; or~~

~~Any alteration, modification, or repair to a preexisting nonconforming water control structure~~

~~which, after review, is determined by the Town Board to lessen the preexisting nonconformity; or~~

~~Any repairs of a water control structure, deteriorating, damaged, or destroyed by any cause, including an act of God where 30% or more of the original structure is usable and shall remain so long as the repairs are in kind or in place or are determined by the Town Board to lessen the preexisting nonconformity.~~

~~§ 53-17.1. 1415~~ Limitations on water control devices related structures on freshwater bodies.

~~No water control related structure shall be constructed upon any body of freshwater owned by the Town of Shelter Island and no permit shall be issued for any such construction.~~

~~Preexisting, nonpermitted and nonconforming structures existing as of June 30, 2020, are exempt from the standards set forth in § 53-17.1A of this chapter subject to the following:~~

~~They may be repaired or replaced maintained in kind and in place; or~~

~~They may be altered, or modified, or repaired where after review, it is determined by the Town Board that any changes significantly lessen the preexisting nonconformity reduce the size and environmental impact of the original structure; or~~

~~Any structure, deteriorating, damaged, or destroyed by any cause, including an act of God where, as determined by the Dock Inspector, 30% 50% or more of the original structure's supporting members remain in a structurally sound condition is usable and shall be permitted to remain so long as the repairs are in kind or and in place or are determined by the Town Board to significantly lessen the preexisting nonconformity reduce the size and environmental impact of the original structure.~~

## ARTICLE V

### Additional Provisions

~~§ 53-18. 1516.~~ Coordination with wetlands provisions.

~~In addition to the requirements of this chapter, any dock and method of access or other water-control-related structure requiring a wetlands permit pursuant to Chapter 129, shall undergo coordinated and concurrent review of the respective applications. construction, dredging, filling or alteration in, on or over a wetland or within a regulated area as defined in Chapter 129 shall apply for obtain a permit under Chapter 129 prior to submitting an application under this Chapter.~~

~~In the event of a conflict between any provision of Chapter 53 (Docks) and Chapter 129 (Wetlands), the provisions of Chapter 129 shall apply.~~

~~§ 53-19. 1617.~~ Power of Town Board to deny a dock application or impose restrictions.

~~In issuing a permit under this chapter, the Town Board may impose such reasonable conditions and restrictions as will prevent the obstruction or interference with navigation, the public use of Town waters or lands under Town waters or shall be in furtherance of the public interest.~~

~~To prevent obstruction or interference with navigation or in furtherance of the protection and public use of Town Waters and the public interest, the Town Board may impose reasonable conditions and restrictions when issuing permits, up to and including denial of same.~~

~~In imposing restrictions or denying a permit, the Town Board shall consider public and private interests balanced with site characteristics and the following criteria:~~

~~Exposure to environmental elements including but not limited to wind, wave action, surge, currents, tides, depth;~~

~~Property setbacks, shoreline protection, erosion, preservation, marine life;~~

~~Navigation, boat traffic, vessel size;~~

~~Public access, beaches, general recreation, fishing, shell fishing, swimming, and the preservation of scenic vistas and aesthetics.~~

~~Whether a mooring is a more suitable alternative to a dock as a means to access navigable water.~~

~~§ 53-1718.~~ Enforcement.

~~The Dock Inspector is hereby authorized and directed to enforce the provisions of this chapter.~~

Should the Dock Inspector determine that a dock has become a threat to life or property or a menace to navigation, they shall immediately notify the Town Board. Upon receipt of such notice, the Town Board shall direct the Dock Inspector to notify the Owner of their findings regarding the condition of the dock by certified mail or personal service and by posting such notification upon the Owner's property of their findings regarding the condition of the dock. In the event the Owner does not remove or repair the dock within the time required by the Dock Inspector, the Owner shall be notified by certified mail that the Town will make any necessary repairs to render the dock safe at the owner's expense. Should the dock require removal, the Owner shall be notified by certified mail or personal service of the Town's intention to make an application to the Supreme Court, Suffolk County for an order determining the dock to be a threat to life or property or a menace to navigation and directing that it be removed by the Town with all expenses incurred in this proceeding and the removal to be borne by the Owner and a lien upon Owner's property.

§ 53- 20. 1819. Penalties for offenses.

Any permit related offense under this Chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than one thousand five hundred (\$1,500.00) dollars or by imprisonment for not more than fifteen (15) days, or both.

An offense against any other provision of this Chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than two thousand five hundred (\$2,500.00) dollars or by imprisonment for not more than fifteen (15) days, or both.

A second offense within one (1) year after a prior offense shall constitute a violation under the Penal Law and shall be punishable by a fine of not more five thousand (\$5,000.00) dollars ~~for~~ offenses against any other provision of this Chapter or by imprisonment for not more than 15 days, or both.

A third or subsequent offense against the provisions of this Chapter within one year of the initial offense shall constitute a misdemeanor under the Penal Law and shall be punishable by a fine no more than ten thousand (\$10,000.00) dollars or by imprisonment for not more than one year, or both.

In addition to the foregoing, any offense committed against the provisions of this Chapter by a contractor, agent or entity licensed to do business in the Town of Shelter Island, shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than five thousand (\$5,000.00) dollars or by imprisonment for not more than fifteen (15) days, and if having committed such third or subsequent offense, shall have their license revoked.

Each day of continued violation of this Chapter shall constitute a separate and distinct offense. The Town may commence a civil proceeding to require removal of any dock or other structure constructed in violation of this Chapter at the expense of owner and/or other responsible party or parties and may seek a penalty to be jointly and severally included in the judgment which may be awarded at the discretion of the court in an amount not to exceed \$1,000 for each day it is found that the defendants or any one of them individually caused, permitted or allowed the violation.

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

~~A second offense against the provisions of this chapter within one year after a prior offense shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 15 days, or both.~~

~~A third or subsequent offense against the provisions of this chapter within one year of the initial offense shall constitute a misdemeanor under the Penal Law and shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 15 days, or both.~~

~~Any violation of this chapter that is not corrected within 30 days of receipt of a notice of violation shall may be charged as a separate and distinct violation.~~

~~The Town may require removal of any dock or other structure constructed in violation of this chapter.~~

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Town Law §130(15).

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 previous version of this Chapter was no longer sufficient for the needs of the community and the Island's extensive, diverse and fragile shoreline. This amendment helps to preserve and provide greater access to, and use of, that precious resource for more of the Island's residents.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 429

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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 Monday, December 16<sup>th</sup>, 2024, at 6:01 p.m., prevailing time 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 make a certain portion of Waverly Avenue a one-way street of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2024

A LOCAL LAW amending Chapter 126, entitled "Vehicles and Traffic", to make a certain portion of Waverly Place a one-way street

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

Section 1. Legislative Intent.

The Town Board finds that a dangerous condition exists on Waverly Place, between Clinton Ave and Grand Avenue, due to the convergence of the ferry line and vehicular traffic looking to merge into same, combined with general vehicular traffic seeking to head north on Clinton Avenue, with vehicular traffic heading westerly into the Heights. Therefore, in order to ameliorate said condition the Town Board has determined to make Waverly Place, between Clinton Avenue and Grand Avenue, a one way street in a westbound direction.

Section 2. Amendment.

Section 126-10 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by adding the underlined words as follows:

§ 126-10 One-way Streets.

B.

The following streets are hereby designated as one-way streets in the direction indicated:

[Amended 5-20-1983]

November 25, 2024 – continued

Name of Street	Direction of Travel	Location
Auburn Place	Eastbound	From Grand Avenue to Locust Avenue
Bluff Avenue	Southbound	From Bay Avenue to Prospect Avenue
Clinton Avenue	Northbound	From Chase Avenue at the bridge to Chequit Avenue
Grand Avenue	Southbound	From Summerfield Place to Waverly Place
Spring Garden Avenue	Westbound	From Prospect Avenue to Bay Avenue
Sylvan Place	Westbound	From Locust Avenue to Grand Avenue
Washington Street	Southbound	From Waverly Avenue to Prospect Avenue
<u>Waverly Place</u>	<u>Westbound</u>	<u>From Clinton Avenue to Grand Avenue</u>
Wesley Avenue	Southbound	From Bay Avenue to Prospect Avenue

**Section 4. Authority.**

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

**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 safe vehicular and pedestrian travel on Waverly Place by making it a one way westbound street.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 430**

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

WHEREAS, Andrew Marks, 7 Lari Lane, has petitioned the Town of Shelter Island for a wetlands permit to remove existing porch, shower, storage bin, and concrete. Construct a new dwelling addition (19.4' x 7.9' – 53SF) on the north side of the existing house, construct a new pool (18' x 8' -144SF) and porch (24.7' x 36.2' and 67.5' x 10.8' in an "L" -1,271SF) on the east/south sides of the dwelling. Install a Fuji CEN-7 I/A OWTS with precast leaching galleys and install 8'x 3' drywells for management of runoff and pool backwash, as per plans submitted by Barrett Bonacci & Van Weele, PC, dated March 18, 2022, now, therefore

BE IT RESOLVED, that pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 6:04 p.m., prevailing time, on Monday, January 27<sup>th</sup>, 2025, 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. 431**

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

November 25, 2024 – continued

WHEREAS, Mark Lumley, 8 Margaret's Drive, has petitioned the Town of Shelter Island for a wetlands permit for renovation of and additions to existing family dwelling. First floor footprint to remain and modify second floor. Add living space to accessory building, replace existing conventional septic with new IA OWTS, as per design plans submitted by Sherman Engineering, dated August 24, 2023, and architectural plans submitted by London Architecture & Design, dated July 1, 2024, now, therefore

BE IT RESOLVED, that pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held on Monday, January 27<sup>th</sup>, 2024 at 6:06 p.m., prevailing time, 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. 432

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

WHEREAS, Marina Hahn, 70 Tuthill Drive, has petitioned the Town of Shelter Island for a wetlands permit to remove existing single family dwelling, cesspool, well and replace with new. New building to be on same footprint as existing and new septic to be IA OWTS, further from Coecles Harbor than existing cesspool. New dwelling to be taller and have more square foot living area than existing. Number of bedrooms to remain consistent., as per plans submitted by Sherman Engineering, dated July 24, 2024, and Stelle Lomont Rouhani Architects, dated June 13, 2024, now, therefore

BE IT RESOLVED, that pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held on Monday, January 27<sup>th</sup>, 2024 at 6:08 p.m., prevailing time, 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. 433

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

WHEREAS, William Cummings, 3 Bevan Place, has petitioned the Town of Shelter Island for permission to install a mooring at a location designated as latitude 41.08547° north and longitude -72.35958° 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 6:06 p.m., prevailing time, on Monday, December 16<sup>th</sup>, 2024, 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. 434

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

WHEREAS, an application for site plan approval was submitted by the Perlman Music Program on July 5, 2024, to make certain improvements to the existing instructional music camp facility including:

1. Renovations and improvements to existing buildings;
2. Demolition of select existing buildings;
3. Construction of new buildings, which would increase the overall sq. foot living area (SFLA) by 22,093 s.f. from 47,833 s.f. to 69,926 s.f.;
4. Relocation and construction of walkways;

5. Improvements to existing internal driveways/roadways;
6. Expansion of parking areas for 67 formalized spaces;
7. Establishment of a courtyard(s), landscaped areas, and revegetated areas;
8. Temporary improvements to the existing tennis courts/performance area and future conversion to a permanent open-sided performance space with a green room to accommodate loose seating of approximately 300 people;
9. ADA improvements including access to the roadway, parking, pedestrian pathways, buildings and performance space;
10. New Truck delivery area and improved trash/recycling area and
11. Infrastructure upgrades, including the installation of I/A on site wastewater treatment systems (“Project”);

WHEREAS, the Project is located at both 73 Shore Road (7.79 acres-improved with 21 existing buildings where the camp, in the main, is currently being operated) and 65 Stearns Point Road (20.44 acres-improved with 6 cabins/cottages and a shed), Shelter Island, and both are located within the AA Zoning District;

WHEREAS, due to the proposed parking of 67 total spots, pursuant to Town Code Section 60-12(B)(3), the Project was deemed a Type I Action for State Environmental Quality Review Act purposes;

WHEREAS, on November 19, 2024, the Town Board, as Lead Agency, after review of the FEAF and analysis from P.W. Grosser Consulting, Inc. the Town’s Environmental Analyst determined that the proposed action will not result in significant adverse impacts to the environment and adopted a Negative Declaration;

WHEREAS, the application was referred to the Suffolk County Planning Commission and they deemed it a “matter of local determination”;

WHEREAS, the subject application was referred to the Building Department, the Office of the Town Engineer, and the Planning Board and reports therefrom were issued and taken under consideration;

WHEREAS, on August 5, 2024, August 26, September 16 and October 28, 2024, there were public hearings held on the subject application where public comments were received and taken under consideration;

WHEREAS, the Town Board has reviewed said application with regard to the standards of review enumerated in Town Code Section 109-3; and now therefore be it

RESOLVED, that the Town Board hereby approves the subject Site Plans for the Perlman Music Program to make certain improvements to an existing instructional music camp, located at both 73 Shore Road (S.C.T.M.#700-13-2-31) and 65 Stearns Point Road (S.C.T.M.#700-13-2-32.1) as shown on the 73 Shore Road Site Plan prepared by F. Michael Hemmer, LS, P.C. dated March 27, 2022, last revised on June 12, 2024, and the 65 Stearns Point Road Site Plan prepared by F. Michael Hemmer, LS, P.C. dated August 7, 2022, last revised on June 12, 2024, subject to the following conditions:

1. The procurement of the Town of Shelter Island Zoning Board of Appeals Special Permit Approval to operate an Educational Institution and full compliance with any conditions imposed therein;
2. Full adherence to the Revegetation Plan (Sheet #L5.2) prepared by LaGuardia Design Landscape Architects, dated July 11, 2024;
3. Full adherence to the Revegetation Plan (Sheet #L5.3) prepared by LaGuardia Design Landscape Architects, dated July 11, 2024;
4. Full adherence to the Drainage and Grading Plan, prepared by JRH Consulting Engineers, DPC, last revised June 16, 2024;
5. Full adherence to the Photometric Site Lighting Plan, prepared by JRH Consulting Engineers, DPC, last revised June 16, 2024 and any and all lighting shall be in conformity with Town Code Chapter 83, entitled “Lighting”;
6. Full Adherence to the Sanitary Layout Plan prepared by JRH Consulting Engineers, DPC, last revised August 15, 2024;
7. Full Adherence to the Architectural Plan Set, prepared by SKOLNICK Architecture and Design Partnership, dated October 30, 2023;

8. Full adherence to the forthcoming Suffolk County Department of Health Services Wastewater Approval;
9. All Facility/Work vehicles shall be screened from public view when parked;
10. The 65 Stearns Point internal roadway shall meet any and all New York State Fire Apparatus Access Road standards;
11. Any internal walkways and drives shall be made of environmentally sensitive permeable material; and
12. No construction shall occur on Sundays.

13. Proposed cabin no. 27 located on 64 Stearns Point Road shall be relocated from the Eastern side of the proposed internal roadway to the Western side of the roadway; any of the above referenced conditions shall be amended in conformity therewith.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 435

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

WHEREAS, an application for site plan approval was submitted by the Shelter Island Public Library Society on September 19, 2024 to construct a 5,830 s.f. two story addition to an existing 6,285 s.f. library facility (“Project”), located at 37 North Ferry Road, Shelter Island, which is located upon a 55,341 s.f. lot and located within the B-1 Zoning District;

WHEREAS, the Project will necessitate the increase of on-site parking from 21 to 46 stalls (including 14 land banked);

WHEREAS, due to the increase in the parking, pursuant to Town Code Section 6012(B)(3), the Project was deemed a TYPE I Action for State Environmental Quality Review Act purposes;

WHEREAS, on November 19, 2024 the Town Board, as Lead Agency, determined that the proposed action will not result in significant adverse impacts to the environment and adopted a Negative Declaration;

WHEREAS, on October 22, 2024, October 28, 2024, and November 6, 2024 there were public hearings held on the subject application where public comments were received and taken under consideration;

WHEREAS, the subject application was referred to Town of Shelter Island Building Department, Town Engineer, Planning Board, Conservation Advisory Council, Hamptons Environmental Land Planning and P.W. Grosser Consulting, Inc. and reports therefrom were issued and taken under consideration;

WHEREAS, the Town Board has reviewed said application with regard to the standards of review enumerated in Town Code Section 109-3; now, therefore be it

RESOLVED, that the Town Board hereby approves the subject Site Plan the for the Shelter Island Public Library Society to construct a 5,830 s.f. two story addition, to an existing 6,285 s.f. library facility (“Facility”), with 46 total parking stalls (including 14 land banked), located at 37 North Ferry Road, Shelter Island (S.C.T.M. 700-15-2-34) as shown on the site plan prepared by Beatty Harvey Coco Architects, LLP, dated January 25, 2024, last revised on November 12, 2024 (the “Revised Site Plan”), subject to the following conditions:

1. Full adherence to the pending Suffolk County Department of Health Services Office of Wastewater Management Commercial Wastewater Approval (#C-24-0173)(e.g.: drinking water treatment and on-site sanitary systems) and full satisfaction of any conditions and/or changes required thereof
2. Any changes to the Revised Site Plan as required by the pending Suffolk County Department of Health Services Office of Wastewater Management Commercial Wastewater Approval (#C-24-

0173) shall necessitate further review by the Town Board pursuant to Town Code Section 109-11 entitled "Amendments";

3. Once the Facility is constructed and receives all necessary approvals, it shall not be used in a manner inconsistent with the room capacity, density and use approved by the Suffolk County Department of Health Services Office of Wastewater Management Commercial Wastewater Approval (#C-24-0173);

4 Once the Facility is constructed, it shall not be used unless and until all other required governmental approvals are procured.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 436

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

WHEREAS, a wetlands application was submitted by Deborah R. Skolnik and David C. Lopez on June 24, 2024, to construct a second story addition, to an existing dwelling, with a total of 21 s.f. of same located within the vegetative buffer and 156 s.f. located within the adjacent regulated area ("Project"), located at 64 Gardiners Bay Dr., Shelter Island, which is located upon a 36,544 s.f. lot located within the "A" Zoning District;

WHEREAS, the applicants received a Letter of No Jurisdiction from the New York State Department of Environmental Conservation (1-4732-00339/00011) dated January 27, 2023;

WHEREAS, pursuant to the New York State Environmental Quality Review Act the project is a Type II Action;

WHEREAS, on October 28, 2024, was a public hearing held on the subject application where public comments were received and taken under consideration;

WHEREAS, the subject application was referred to the Planning Board and the Town's Environmental Analyst and reports therefrom were issued (dated October 8, 2024 and September 26, 2024 respectively) and taken under consideration;

WHEREAS, the Town Board has reviewed said application with regard to the standards of review enumerated in Town Code Section 129-5; and now therefore be it

RESOLVED, that the Town Board finds that the project meets the standards enumerated in Town Code Section 129-5 as, *inter alia*, the encroaching square footage of the second story addition into the regulated area is within the existing footprint and will not create a risk of impairing the function and value of the subject wetland, nor diminish it in size, and there are no other practicable alternatives as it is a highly constrained lot; and be it further

RESOLVED, that the Town Board hereby approves the issuance of a Wetlands Permit to construct the subject addition, located at 64 Gardiners Bay Drive, Shelter Island (S.C.T.M. 700-1-2-65) as shown on the wetlands site plan prepared by Sherman Engineering & Consulting P.A., dated April 30, 2024, subject to the following conditions:

1. The existing vegetative buffer shall perpetually remain in a manner as reflected in the photos included in the subject application;
2. Downspouts shall be installed from the roof of the subject dwelling and piped into drywells as required by Town Code Section 133-12;
3. The existing drainpipe that runs adjacent to and over the subject bluff, and drains behind the bulkhead, shall be redirected and into the drywells referenced in condition number "2";
4. A wire backed silt fence shall be installed along the immediate downslope edge of development and trenched in a minimum of 6", and maintained until the Building Department approves removal of same; and
5. Prior to the issuance of a Certificate of Occupancy, the Town's Environmental Analyst, upon written request from the applicant, shall conduct an inspection and advise the Building Department as to whether the above conditions have been satisfied.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

November 25, 2024 – continued

RESOLUTION NO. 437

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

WHEREAS, a public hearing was duly held on the 28<sup>th</sup> day of October, 2024, on the proposed use of approximately \$65,000.00 in federal community block grant funds the Town of Shelter Island expects to receive in 2025, 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:

\$30,000.00 towards a housing survey to update the Community Housing Plan, \$5,000.00 towards CAST's Mobile Food and Pantry Resource Center Satellite Program on Shelter Island , \$20,000.00 towards a ADA ramp at the Town owned facility at Goat Hill, and \$10,000.00 towards deer meat butchering to be distributed via CAST.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 438

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

WHEREAS General Municipal Law (GML) § 239 requires the referral of certain proposed planning and zoning actions to the Suffolk County Planning Commission by local Towns and Villages within the County, and

WHEREAS, GML also allows for the County to enter into an agreement with a referring body or other duly authorized body of a Town or Village to provide that certain proposed actions be deemed matters of local rather than inter-community or county-wide concern and, therefore, not subject to referral, and

WHEREAS, the Town of Shelter Island has proposed a litany of actions which are consistent with the intent of GML and represent matters of local not countywide concern, and

WHEREAS, the adoption of an inter-municipal agreement would streamline the referral review process without any compromise to county-wide or inter-community planning considerations, now therefore be it

RESOLVED, that pursuant to the above the Suffolk County Planning Commission considers the following list of actions to constitute matters of local determination which are NOT subject to the referral process:

- All area variances associated with single-family residences.
- Change of one permitted use to another with no changes in parking requirements (i.e. retail to office).
- Minor additions less than 1,000 square feet with no change to use or occupancy.
- Site plan applications proposing less than 5,000 square feet of new or renovated floor area or less than 10,000 square feet of land disturbance.

*Exception – actions that have been given a Positive Declaration pursuant to SEQR or actions involving property abutting state or county parkland, the Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water shall be subject to the full review process.*

BE IT FURTHER RESOLVED, That the Town/ Village Clerk is directed to forward a copy of this resolution to the Suffolk County Planning Commission and to the Planning Board and Zoning Board of Appeals of the Town of Shelter Island.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 439

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Cullen & Danowski, for the provision of financial accounting services for the Town for the period January 1, 2025 through December 31,

2024, for the sum of \$59,700.00.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 440

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

BE IT RESOLVED, that the Supervisor is hereby authorized to sign any and all documents in connection with the retainer agreement between the Town of Shelter Island and Peter Johnson for the 2025 tax certiorari legal proceedings.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 441

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

WHEREAS, Chapter 18 of the Town Code, entitled "Personnel Policies" governs certain nonunion employee rights and obligations;

WHEREAS, Section 18-4 of the Town Code entitled "Longevity" states as follows:  
§ 18-4 Longevity.

A. Employees hired prior to May 13, 2016, shall be paid longevity as follows:

(1) After five years of service: 5% of the base salary.

(2) After 10 years of service: 10% of the base salary.

(3) After 15 years of service: 15% of the base salary.

(4) After 20 years of service: 20% of the base salary.

B. Employees hired May 13, 2016, or after, shall be paid longevity as follows:

(1) After five years of service: \$1,000.

(2) After 10 years of service: \$2,000.

(3) After 15 years of service: \$3,000.

(4) After 20 years of service: \$4,000.

C. These payments are noncumulative and shall apply to all employees covered by this agreement. Longevity will be based upon the date of employment and shall be paid in a lump sum each year on the employee's anniversary date of employment, included in the regular paycheck.

WHEREAS, longevity is more favorable for employees hired prior to May 14, 2016 versus those hired thereafter; and

WHEREAS, to retain employees and make it more equitable for new hires; now therefore be it

RESOLVED, that pursuant to Section 18-18 of the Town Code Section 18-4 shall be amended as follows:

§ 18-4 Longevity.

A. Employees ~~hired prior to May 13, 2016~~, shall be paid longevity as follows:

(1) After five years of service: 5% of the base salary.

(2) After 10 years of service: 10% of the base salary.

(3) After 15 years of service: 15% of the base salary.

(4) After 20 years of service: 20% of the base salary.

~~B. Employees hired May 13, 2016, or after, shall be paid longevity as follows:~~

~~(1) After five years of service: \$1,000.~~

~~(2) After 10 years of service: \$2,000.~~

~~(3) After 15 years of service: \$3,000.~~

~~(4) After 20 years of service: \$4,000.~~

C. These payments are noncumulative and shall apply to all employees who work at least 30 hours weekly covered by this agreement. Longevity will be based upon the date of employment and shall be paid in a lump sum each year on the employee's anniversary date of employment. ~~included in the regular paycheck.~~

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 442

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

WHEREAS, the Chief of Police and Emergency Management Coordinator, James Read, requested permission from the Town Board to include a tax bill enclosure regarding resident sign up for electronic emergency notifications;

WHEREAS, the Town Board reviewed said enclosure and has determined that such request would benefit the residents of the Town of Shelter Island by increasing the emergency awareness;

WHEREAS, pursuant to Town Code Section 115-26 (A), the Town Board has the authority to grant such a request; now, Therefore,

BE IT RESOLVED, that the Tax Receiver may include an enclosure within tax bills regarding resident subscription for electronic emergency notifications.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 443

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

WHEREAS, on November 18, 2024, John Spinelli submitted his resignation in writing from all of his Town positions including School Crossing Guard, Detention Attendant, and Court Officer, and now therefore be it

RESOLVED, that the Town Board of the Town of Shelter Island hereby accepts the resignation of John Spinelli from the positions of School Crossing Guard, Detention Attendant, and Court Officer, effective retroactively to the end of business November 18, 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 444

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Larsen, 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, Kal Lewis was appointed to serve as on call, as needed FIT Aide, and

WHEREAS, the abovementioned person 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 the designated capacity, now, therefore

BE IT RESOLVED, that the Town Board hereby appoints the aforementioned person to the designated position.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 445

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

November 25, 2024 – continued

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$2,494.44 from the North Ferry Company Inc., to the A3120.100PS Police Department General Ledger account for the reimbursement of unscheduled and overtime hours for traffic control duties that occurred for the year of 2024.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 446

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to deposit the sum of \$61.46 from Ready Refresh to the Youth Center general ledger account A7320.408 for 2024 bottle refund deposits that were not credited to the account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 447

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

BE IT RESOLVED, that the following budget transfers are hereby approved: \$720 from A6772.440 Nutrition Maintenance to A6772.484 Office & Miscellaneous, \$720 from A6777.200 Senior Center Equipment to A6777.484 Office & Miscellaneous, \$2,000 from A8510.485 Taylor's Island Shed to A8510.408 Smith Cabin Repairs, \$18,041.00 from A3120.100 PD Personnel Services to A3120.100 PD Overtime Account; and \$185.93 from A1330.414 Tax Receiver Postage to A1330.476 Computer Software, and \$20,000 from B8030.486 Salt Water Intrusion to B8030.487 Water testing.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 448

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

BE IT RESOLVED, that the following budget modifications are hereby approved: \$15,000 increase to A7310.400 Youth Recreation Programs, \$12,000 increase to A2001B Recreation Fees – Youth, \$3,000 increase to A2001C Recreation Fees – FIT Center, and \$4,778.02 increase to A2770 Miscellaneous Revenue, to be funded by the refund check from Perillo Hill, LLP for an error relating to duplicate expense entries, and an increase to A1010.497 Town Board Professional Services.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 449

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

BE IT RESOLVED, that the 2024 general claims numbered 2062 through 2237 in the amount of \$187,107.16; 2024 Highway claims numbered 275 through 303 in the amount of \$236,996.91; 2024 Community Preservation Fund claims number 24 through 28 in the amount of \$23,796.83; and 2024 Water Quality Improvement claim 29 in the amount of \$7.00 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.

At 6:39 p.m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Joseph Brantuck, on behalf of The Island

Boat Yard, 61 South Menantic Road, to construct ±279 lf of vinyl bulkhead in place of ±272 lf of existing timber bulkhead, including ±25 lf in place of ex. ±25 lf (A), ±133 lf in place of (and ±6" higher) than ex. ±133 lf (B), ±16 lf in place of ex. ±17 lf (C), ±66 lf in place of (and 12" landward of) ex. ±58 lf (D and F/north and south sides of haul-out slip), ±19 lf in place of (and 4' landward of) ex. ±18 lf (E/west side of haul-out slip), and ±20 lf in place of ex. ±21 lf (G); excavate (2) 12" x 29' upland areas landward of ±29' sections of bulkhead being replaced 12" landward (D and F) to a max. depth of -4' MLW, and use approx. 9 cy of resultant earthen/spoil material as backfill; extend ex. 16.5' x 29' haul-out slip 4 feet west, thereby creating 16.5' x 33' haul-out slip, by excavating 4' x 19' upland area (between ex. 18' bulkhead to be removed and prop. ±19' vinyl bulkhead (E) located 4 feet landward) to a max. depth of -4' MLW, and use approx. 30 cy of resultant earthen/spoil material as backfill; replace (2) ex. ±32 lf wide flange beams travel rails with ±38 lf wide flange beam travel rails; remove and replace ±12' x 24' portion of ex. concrete slab west of haul-out slip and install 4' x 12' steel pad; remove and replace (in-place and ±6" higher) existing 8' -14' wide wood boardwalk landward of ±133 lf bulkhead (B); remove and replace existing 3' - 5' wide wood boardwalk on north side of haul-out slip (D); incidentally dredge 10' wide, approx. 2,539 sf area adjacent to all replacement bulkheading to a max. depth of -4' MLW, and use approximately 145 cy of resultant spoil material as backfill; and remove and replace (in-kind/in-place) adjacent curbing, parking area and landscape wall, as needed, as per plans prepared by Jeffrey T. Butler, dated September 12, 2024.

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: This application was unanimously approved.

The Supervisor opened the public hearing to all those in favor of or in opposition to. Rob Herrmann and Ian Crowley were present for the application and gave a brief description of the proposed construction. There being no further comments, the Supervisor declared the public hearing closed and reconvened the regular meeting.

#### RESOLUTION NO. 450

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

WHEREAS, Joseph Brantuck, on behalf of the Shelter Island Boat Yard, 61 South Menantic Road, has petitioned the Town of Shelter Island for permission to construct ±279 lf of vinyl bulkhead in place of ±272 lf of existing timber bulkhead, including ±25 lf in place of ex. ±25 lf (A), ±133 lf in place of (and ±6" higher) than ex. ±133 lf (B), ±16 lf in place of ex. ±17 lf (C), ±66 lf in place of (and 12" landward of) ex. ±58 lf (D and F/north and south sides of haul-out slip), ±19 lf in place of (and 4' landward of) ex. ±18 lf (E/west side of haul-out slip), and ±20 lf in place of ex. ±21 lf (G); excavate (2) 12" x 29' upland areas landward of ±29' sections of bulkhead being replaced 12" landward (D and F) to a max. depth of -4' MLW, and use approx. 9 cy of resultant earthen/spoil material as backfill; extend ex. 16.5' x 29' haul-out slip 4 feet west, thereby creating 16.5' x 33' haul-out slip, by excavating 4' x 19' upland area (between ex. 18' bulkhead to be removed and prop. ±19' vinyl bulkhead (E) located 4 feet landward) to a max. depth of -4' MLW, and use approx. 30 cy of resultant earthen/spoil material as backfill; replace (2) ex. ±32 lf wide flange beams travel rails with ±38 lf wide flange beam travel rails; remove and replace ±12' x 24' portion of ex. concrete slab west of haul-out slip and install 4' x 12' steel pad; remove and replace (in-place and ±6" higher) existing 8' -14' wide wood boardwalk landward of ±133 lf bulkhead (B); remove and replace existing 3' - 5' wide wood boardwalk on north side of haul-out slip (D); incidentally dredge 10' wide, approx. 2,539 sf area adjacent to all replacement bulkheading to a max. depth of -4' MLW, and use approximately 145 cy of resultant spoil material as backfill; and remove and replace

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(in-kind/in-place) adjacent curbing, parking area and landscape wall, as needed, as per plans prepared by Jeffrey T. Butler, dated September 12, 2024, 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 6:48 p.m., the Supervisor made a motion to close the meeting. Councilwoman Larsen Second. The motion was carried.

Amber Wilson  
Town Clerk

November 26, 2024

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 26<sup>th</sup> day of November, 2024. Town Board members present were: Deputy Supervisor Margaret Anne Larsen, Councilman Albert Dickson and Councilman Benjamin Dyett. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately six persons were also present. Supervisor Brach-Williams was absent. All Town Board members signed a waiver of notice.

The Deputy Supervisor Larsen called the meeting to order at 2:35 p.m.

Salute to Flag.

RESOLUTION NO. 451

Deputy Supervisor Larsen offered the following resolution, which was seconded by Councilman Dyett, to wit:

WHEREAS, a wetlands application was submitted by Patrick Loftus-Hills and Konnin Tam on July 9th, 2024, to remove and dispose of +/- 248 l.f. of a failed existing bulkhead and construct 202 l.f. of new bulkhead, inclusive of a 22' return and a 33' return, at an elevation of 9' above sea level; to install approximately 169 l.f. of stone toe armor; to construct a splash zone consisting of 20-25lb. stones atop filter fabric, extending 10' landward of the bulkhead; to construct a 146 l.f. rock revetment, inclusive of a 78 l.f. return; to excavate approximately 850 cubic yards of sand landward of the revetment, in order to create a beach; to construct a 10' x 58' gravel/marl path; to construct a 10' x 24' stone ramp; to construct a 15' x 40' stone ramp; to construct a 6' x 30' marine stair; to construct a 24' x 34' ramped sand path through deposition of approximately 46 cubic yards of sand; to construct a 76 l.f. long stone slope/retaining wall of varying width; and to revegetate ("Project");

WHEREAS, the property is located at 169 Ram Island Dr., Shelter Island, and is located within the "AA" and Near Shore Overlay Zoning Districts;

WHEREAS, the subject property is an 100,072 s.f. Gardiner's Bay waterfront property with a new dwelling under construction; WHEREAS, the applicants on October 10, 2023, received a wetlands permit (Resolution#29-2023) to demolish an existing dwelling, swimming pool, patios and decks, and to construct a new single family residence, plunge pool, patio, and driveway;

WHEREAS, on December 15, 2023, the applicants received a New York State Department of Environmental Conservation Permit (#1-4732-01117/00005) for the Project; WHEREAS, on January 27, 2023, the applicants received a Letter of No Jurisdiction from the New York State Department of Environmental Conservation (1-4732-01117/00003) for the any Project work beyond the 10' elevation contour and landward of the Coastal Erosion Hazard Area;

WHEREAS, pursuant to Town Code Section 60-12(B)(10) the project is a Type I Action, where the Town Board is Lead Agency, and as such the applicants submitted a Full Environmental Assessment Form (FEAF) Part I, which was reviewed by the Town's Environmental Analyst, to which Part II and Part III of same was prepared by said Analyst and a Negative Deceleration was recommended;

WHEREAS, on October 28 and November 19, 2024, there was a public hearing held on the subject application where public comments were received and taken under consideration;

WHEREAS, the subject application was referred to the Planning Board, the Town's Environmental Analyst, and the Conservation Advisory Council and reports therefrom were issued (dated October 11, 2024, September 26, 2024, and September 20, 2024, respectively) and taken under consideration;

WHEREAS, the Town Board has reviewed said application with regard to the standards of review enumerated in Town Code Section 129-5; and now therefore be it

RESOLVED, that the Town Board, based on its review of the FEAF, the recommendation from the Environmental Consultant, other relevant information, and testimony from the public hearing, determines that the proposed action will not result in significant adverse impacts to the environment, and hereby adopts a Negative Deceleration; and be it further RESOLVED, that the Town Board finds that the project meets the standards enumerated in Town Code Section 129-5 as, inter alia, the existing bulkhead has failed and significant erosion is occurring, thus a replacement of same is necessary and therefore will not impair, but repair the wetlands and the buffer, will not diminish, but rather recapture the wetland and buffer, and there are no other practicable alternatives due to the failure; and be it further RESOLVED, that the Town Board hereby approves the issuance of a Wetlands Permit to construct the subject bulkhead and ancillary structures, located at 169 Ram Island Drive, Shelter Island (S.C.T.M. 700-10-1-20) as shown on the wetlands site plan prepared by Nicholas J. Mazzaferro, P.E., dated August 26, 2022, last revised April 16, 2024, and landscape plan prepared by Michael Van Valkenburgh Associates, Inc, Landscape Architects, dated August 6, 2024, subject to the following conditions:

1. A wire backed silt fence shall be installed along the immediate downslope edge of development and trenched in a minimum of 6", and maintained until the Building Department approves removal of same; and

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2. Prior to the issuance of a Certificate of Occupancy, the Town’s Environmental Analyst, upon written request from the applicant, shall conduct an inspection and advise the Building Department as to whether the above conditions have been satisfied.

Vote: 2 in favor 1 opposed (Councilman Dickson)

Motion denied.

RESOLUTION NO. 452

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

WHEREAS, pursuant to a recommendation from the Community Preservation Fund Advisory Board, the Town Board is desirous of purchasing 7 South Cartwright Road, Shelter Island, now therefore be it

RESOLVED, that the Town Board of the Town of Shelter Island hereby sets a public hearing for Monday, December 16th, 2024 at 6:08 p.m., prevailing time, on the potential fee title acquisition for 7 South Cartwright Road more specifically identified as Suffolk County Tax Map#: 700-15-4-135; and be it further

RESOLVED, that the total purchase price of the subject parcels is \$3,900,000.00 to be paid with Community Preservation Funds.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 2:41 p.m., the Deputy Supervisor made a motion to close the special meeting. Councilman Dyett seconded. The motion was carried.

Amber Wilson  
Town Clerk

December 10, 2024

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 10<sup>th</sup> day of December, 2024. Town Board members present were: Supervisor Brach-Williams, Councilwoman Margaret Larsen, Councilman Albert Dickson, Councilman Benjamin Dyett and Councilman Gordon Gooding. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately 27 persons were present. All Town Board members signed a waiver of notice.

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

Salute to Flag.

RESOLUTION NO. 453

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

WHEREAS, a vacancy was created on the Town Board of the Town of Shelter Island on January 1, 2024, with two years remaining in said term;

WHEREAS, the Town Board chose to fill said vacancy via election; WHEREAS, on November 5, 2024, an election occurred;

WHEREAS, pursuant to the certified election results Arnott G. Gooding won said election for the seat as councilmember; and now therefore be it

RESOLVED, on December 10, 2024, Arnott G. Gooding is hereby appointed to fill the subject Town Board seat vacancy for the remainder of 2024, effective immediately, and then for the final year of the subject term, 2025, as a duly elected member thereof.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

December 10, 2024 – continued

RESOLUTION NO. 454

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

WHEREAS, a wetlands application was submitted by Patrick Loftus-Hills and Konnin Tam on July 9, 2024, to remove and dispose of +/- 248 l.f. of a failed existing bulkhead and construct 202 l.f. of new bulkhead, inclusive of a 22' return and a 33' return, at an elevation of 9' above sea level; to install approximately 169 l.f. of stone toe armor; to construct a splash zone

December 10, 2024 – continued

consisting of 20- 25lb. stones atop filter fabric, extending 10' landward of the bulkhead; to construct a 146 l.f. rock revetment, inclusive of a 78 l.f. return; to excavate approximately 850 cubic yards of sand landward of the revetment, in order to create a beach; to construct a 10' x 58' gravel/marl path; to construct a 10' x 24' stone ramp; to construct a 15' x40' stone ramp; to construct a 6' x 30' marine stair; to construct a 24' x 34' ramped sand path through deposition of approximately 46 cubic yards of sand; to construct a 76 l.f. long stone slope/retaining wall of varying width; and to revegetate ("Project");

WHEREAS, the property is located at 169 Ram Island Dr., Shelter Island, and is located within the "AA" and Near Shore Overlay Zoning Districts;

WHEREAS, the subject property is an 100,072 s.f. Gardiner's Bay waterfront property with a new dwelling under construction;

WHEREAS, the applicants on October 10, 2023, received a wetlands permit (Resolution#29-2023) to demolish an existing dwelling, swimming pool, patios and decks, and to construct a new single-family residence, plunge pool, patio, and driveway;

WHEREAS, on December 15, 2023, the applicants received a New York State Department of Environmental Conservation Permit (#1-4732-01117/00005) for the Project;

WHEREAS, on January 27, 2023, the applicants received a Letter of No Jurisdiction from the New York State Department of Environmental Conservation (1-4732-01117/00003) for the any Project work beyond the 10' elevation contour and landward of the Coastal Erosion Hazard Area;

WHEREAS, pursuant to Town Code Section 60-12(B)(10) the project is a Type I Action, here the Town Board is Lead Agency, and as such the applicants submitted a Full Environmental Assessment Form (FEAF) Part I, which was reviewed by the Town's Environmental Consultant, to which Part II and Part III of same was prepared by said Consultant and a Negative Deceleration was recommended;

WHEREAS, on October 28 and November 19, 2024, there was a public hearing held on the subject application where public comments were received and taken under consideration;

WHEREAS, the subject application was referred to the Planning Board, the Town's Environmental Consultant, and the Conservation Advisory Council and reports therefrom were issued (dated October 11, 2024, September 26, 2024, and September 20, 2024, respectively) and taken under consideration;

WHEREAS, on September 9, 2024, the Waterways Management Advisory Council requested that the Town Board expedite this application as the "current state of the waterfront property endangers the environment";

WHEREAS, the Town Board has incorporated the Town Code Chapter 53 Bulkhead review into this application as there is an emergency environmental situation and asking the applicant to submit a bulkhead application would be redundant and inject undue delay into remediating same;

WHEREAS, the Town Board has reviewed said application with regard to the standards of review enumerated in Town Code Section 129-5;

WHEREAS, on November 26, 2024, the Town Board of the Town of Shelter Island held a special meeting, inter alia, to vote on the Loftus-Hill/Tam Wetlands Permit, whereby there were 3 members present (1 absent and 1 unfilled vacancy);

WHEREAS, the Board members present voted 2-1 to approve the Loftus-Hill/Tam Wetlands Permit;

WHEREAS, since a majority of the duly constituted Board, namely 3 votes, were not secured, the vote to approve failed;

WHEREAS, on December 10, 2024, filled the Town Board vacancy at a Special Meeting;

WHEREAS, the Town Board finds it to be equitable to hold another vote on the subject application with a full Board; and now therefore be it

RESOLVED, that another vote will occur on the Loftus-Hill/Tam Wetlands Permit

December 10, 2024 – continued

Application today, December 10, 2024, at a Special Town Board Meeting; and be it further

RESOLVED, that the Town Board, based on its review of the FEAF, the recommendation from the Environmental Consultant, other relevant information, and testimony from the public hearing, determines that the proposed action will not result in significant adverse impacts to the environment, and hereby adopts a Negative Declaration; and be it further

RESOLVED, that the Town Board finds that the project meets the standards enumerated in Town Code Section 129-5 as, inter alia, the existing bulkhead has failed and significant erosion is occurring, thus a replacement of same is necessary and therefore will not impair, but repair the wetlands and the buffer, will not diminish, but rather recapture the wetland and buffer, and there are no other practicable alternatives due to the failure; and be it further

RESOLVED, that the Town Board hereby approves the issuance of a Wetlands Permit and Chapter 53 Bulkhead Permit to construct the subject bulkhead and ancillary structures, located at 169 Ram Island Drive, Shelter Island (S.C.T.M. 700-10-1-20) as shown on the wetlands site plan prepared by Nicholas J. Mazzaferro, P.E., dated August 26, 2022, last revised April 16, 2024, and landscape plan prepared by Michael Van Valkenburgh Associates, Inc, Landscape Architects, dated August 6, 2024, subject to the following conditions:

1. A wire backed silt fence shall be installed along the immediate downslope edge of development and trenched in a minimum of 6”, and maintained until the Building Department approves removal of same;

2. The project shall fully comply with New York State Department of Environmental Conservation Permit (#1-4732-01117/00005) and the Letter of No Jurisdiction from the New York State Department of Environmental Conservation (1-4732-01117/00003);

3. Temporary Siltation Booms shall be installed during the entirety of the construction to minimize the siltation of the wetlands and turbidity in close proximity to the critical eelgrass beds.

4. The subject Planting Plan shall be in full conformity with the Planting Schedule (L403) prepared by Michael Van Valkenburgh, Inc. Landscape Architect dated August 6, 2024. Prior to the issuance of a Certificate of Occupancy, the Town’s Environmental Consultant, upon written request from the applicant, shall conduct an inspection and advise the Building Department as to whether the above conditions have been satisfied.

Roll Call Vote:

Councilman Dickson            nay

Councilwoman Larsen        aye

Councilman Dyett             aye

Councilman Gooding         nay

Supervisor Brach-Williams   aye

Vote: 3 in favor 2 opposed

The resolution was thereupon declared duly adopted.

At 1:32 p.m., the Supervisor made a motion to close the special meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

December 16, 2024

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town, Shelter island, New York, on the 16<sup>th</sup> day of December, 2024. Town Board members present were: Supervisor Brach-Williams, Councilwoman Margaret A. Larsen and Councilman Gooding. Town Attorney Stephen Kiely, Town Clerk Amber Wilson and approximately 52 persons were also present. Councilmen Albert Dickson and Benjamin Dyett were absent.

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

Salute to flag

RESOLUTION NO. 455

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

BE IT RESOLVED, that Twoey Brayson is hereby appointed to serve as Chairman to the Community Preservation Advisory Board for a term to expire February 2, 2026.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 456

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

BE IT RESOLVED, that Dorothy Moorhead is hereby appointed to serve as a Volunteer for the Recycling Center Goodie Pile Area for the year of 2024 effective December 17, 2024.

Vote: 3 in favor 0 opposed

The resolution was thereupon decaled duly adopted.

RESOLUTION NO. 457

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

WHEREAS, the Town Board, via resolution no 341-2024, accepted the bid by Carter-Melence Inc. to construct 160 sf addition to the existing ambulance barn garage,

BE IT RESOLVED, that the Supervisor or her designee is hereby authorized to sign any contracts or documents related to this bid.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 458

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

WHEREAS, bids were received by the Town Clerk's office for the purchase of a Chevrolet Colorado or approved equal, which were opened publicly and read as follows:

Generation Buick GMC: \$47,177.50

Buzz Chew Chevrolet-Cadillac Inc.: \$37,520.00

WHEREAS, the Highway Superintendent has reviewed said bids, now, therefore

BE IT RESOLVED, that said bid is hereby awarded to Buzz Chew Chevrolet-Cadillac Inc., and

BE IT FURTHER RESOLVED, that the Supervisor or her designee is hereby authorized to sign any contracts or documents related to this bid.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 459

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Gooding, 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 2025 for the Police Department, Town Hall Complex, Justice Hall and Ambulance building.

Vote: 3 in favor 0 opposed

The resolution was thereupon declaed duly adopted.

December 16, 2024 – continued

RESOLUTION NO. 460

Councilman Gooding 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 fuel oil for the Medical Building, Highway Department building and the Legion Hall for the year 2025.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 461

Councilwoman Larsen offered the following resolution, which was seconded by Supervisor 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 East End Pest Control the contract terms of January 1, 2025 through December 31, 2025.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 462

Supervisor Brach-Williams offered the following resolution, which was seconded by Councilman Gooding, 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: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 463

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to deposit the sum of \$1,200.00 from Otis Ford Inc. to the Police Dept. general ledger account A3120.400 for 2024, for the refund of the core deposit for an engine replacement.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 464

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

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

\$4,500.00 from A3120.100 Personnel Services to A3120.100 PD Overtime

\$100.00 from A3120.476 PD Foil Expenses to A3120.100 PD Overtime

\$250.00 from A3150.200 Jail Equipment to A3989.400 NIMS Contractual

\$1,100.00 from A3120.400 PD Maintenance to A3120.484 PD Office & Equipment

\$1,800.00 from A3120.400 PD Maintenance to A3120.484 PD Office & Equipment

\$250.00 A3150.200 ACO Equipment to A3120.484 PD Office & Equipment

\$500 from A6776.422 Silver Circle Meals & Snacks to A6777.422 Senior Center Meals & Snacks,

\$411.60 from A6777.433 AAA Membership to A6778.492 Shopping Assistance Program Ferriage,

\$5,500 from A1490.410 Public Works Ground Maintenance to A1490.419 Generator Maintenance,

\$2,025 from A8160.432 Test Wells & Repairs to A8160.444 Environmental Testing and Monitoring,

\$8,300 from DA5140.447 Outside Contractors to A8160.444 Environmental Testing and

Monitoring,

\$10,000 from A1490.200 Public Works Equipment,  
\$435.56 from A1490.271 Boat Equipment,  
\$232.14 from A1490.412 Town Dock Maintenance,  
\$1,343.97 from A1490.479 Boat Maintenance,  
\$1,465 from A1490.496 EV Charging Station,  
\$455 from A5010.200 Highway Equipment,  
\$136.20 from A5010.440 Highway Training,  
\$950 from DA5140.447 Outside Contracts, to DA5130.446 Machine Repairs.  
\$125.88 from A1330.484 Tax Receiver Office and Miscellaneous to A1355.491 Assessors  
Contracts.  
\$500.00 from A6777.497 Program Provider to A6777.422 Mean and Snacks  
\$1,580.00 A6777.147 PT Clerk to A6776.146 Donna King  
\$37,520.00 from DA5142.147 Snow Personnel to A1490.200 PW Equipment.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 465

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

WHEREAS, the Town of Shelter Island has received a check in the amount of \$9,996.00 from the Fresh Pond Neighbors Association to be used as reimbursement for the Solitude Lake Management invoice relating to the harvesting of undesirable and harmful aquatic vegetation in Fresh Pond, and relating to Resolution No. 227 from April 25, 2023, now, therefore

BE IT RESOLVED, that the following 2024 budget revisions are hereby approved:

\$9,996.00 increase to the 2024 A2705P Fresh Pond Donations revenue account, and  
\$9,996.00 increase to the 2024 A14490.497 Engineering Professional Services expense account.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 466

Councilman Gooding 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 \$961.74 from the A1680.476 Computer Maintenance account to CDW Government, for the 12 month subscription of Adobe InDesign.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 467

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

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$1,298.58 from the A1410.484 Town Clerk Office & Miscellaneous to Carr Business Systems, for the copier contract base rate charge for the 11/12/24 to 11/11/2025 billing period for the XER/XWC5330 copier.

Vote: 3 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 468

Supervisor Brach-Williams offered the following resolution, which was second by Councilman Gooding, to wit:

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$1,100.00 to PENFLEX Actuarial Services for the preparation of the GASB73 package for the volunteer ambulance program for the fiscal year ending December 31, 2024.

Vote: 3 in favor 0 opposed

December 16, 2024 – continued

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 469

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

BE IT RESOLVED, That 2024 general claims numbered 2238 through 2401 in the amount of \$210,939.62; 2024 Highway claims numbered 304 through 335 in the amount of \$93,038.99; 2024 Community Preservation Fund claims number 30 through 32 in the amount of \$455.21; 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 6:13 p.m., the Supervisor recessed the regular meeting and called to order the public hearing on the proposed Local Law entitled “ A Local Law amending Chapter 53, entitled “Docks”.

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

The Supervisor called for any correspondence to be read aloud, which was as follows:

1. Letters received from John Cronin Jr. and Michael Anglin regarding the proposed dock law.

Supervisor Brach-Williams opened the hearing for all those in favor of or in opposition. Bill Geraghty, Chairman of the WMAC presented the changes of the proposed Local Law. Many members of the public spoke either for or against the Local Law. Some concerns included the following: unnecessary regulations, granting by supermajority, the application process, unsuitable locations and other definitions within the proposed code.

After a lengthy conversation, the Supervisor made a motion to close this hearing, open to written correspondence until December 31, 2024. Councilwoman Larsen seconded.

At 8:25 p.m., the Supervisor called for the public hearing to 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 called for any correspondence to be read aloud, which was as follows:

1. Letters received from Jeff and Susie Pribor, Yvonne Wibbe, Lindsey and Emmett McCann, and Paula Burrell in favor of the proposed Local Law.

The Supervisor opened the public hearing for all those in favor of or in opposition to the proposed Local Law. Stella Lagudis, Shelter Island Heights Property, gave a presentation of the proposed traffic change. Members of the public spoke in favor of the application regarding safety issues.

The Supervisor made a motion to close this public hearing. Councilwoman Larsen seconded, and called to order the public hearing to be held as advertised on the application of Christopher Chmelar & Danielle Ferrera, 13 Dickerson Drive, for a wetlands permit to construct onto existing 1.5 story dwelling, a 587 sf 1 and 2 story addition (145 sf within wetlands regulated area) , located 91 ft from wetlands, with 2nd story addition totaling 952 sf extending partially over existing first floor, located 72 sf from wetlands, construct a 4’ x 8.5’ 1 story addition, located 79 ft from wetlands: construct a 2’ x 7.5’ 1 story addition in place of existing roofed over entry, located 71 ft from wetlands, construct 4’ x 25.6’ covered porch addition, partially in place of 4’ x 8’ portion of existing deck, located 69 ft from wetlands, reconstruct, in-place, existing 4’ x 12.1’ attached shed, located 67 ft from wetlands, remove existing conventional septic system from

December 16, 2024 – continued

vegetative buffer and install a new I/A sanitary system, consisting of a Hydro-Action OWTS, located 86 ft from wetlands, and three leaching galleys, located a minimum of 100 ft from wetlands: remove approximately 556 sf of existing driveway surface from the wetlands regulated area: install a stormwater drywell located outside the wetlands regulated area, and establish a 5 ft wide non-turf buffer along top of bank, to be planted with native grasses in place of existing turf lawn, as per plans submitted by Jeffrey Butler, last revised August 16, 2024.

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

The Supervisor called for the reports from the Planning Board, Conservation Advisory Council, and the Environmental Consultant.

The Supervisor opened the public hearing for all those to be heard in favor of or in opposition. Rob Herrmann, EN-Consultants was present for the application and gave a description of the proposed work. A questions was asked regarding the nearshore overlay district and zoning variances.

At 9:07 p.m., the Supervisor made a motion to close this hearing opened to written correspondence and submission of vegetation plan from EN-Consultants until January 10<sup>th</sup>, 2025. Councilwoman Larsen seconded.

The Supervisor called for the public hearing to be held as advertised on the application of Anusia Gayer, 167 Ram Island Drive, for a wetlands permit to seek approval of already completed reconstruction of existing deck pre-dated to the 2001 Wetlands code, as per plans submitted by Sherman Engineering dated April 29, 2024.

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

The Supervisor made a motion to adjourn this hearing per request of the applicant. Councilwoman Larsen seconded.

The Supervisor called for the public hearing to be held as advertised on the application of William Cummings, 3 Bevan Place for permission to install a mooring at a location designated as latitude 41.08547°north and longitude -72.35958° west.

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

The Supervisor made a motion to adjourn the hearing per submission of the WMAC report until January 27<sup>th</sup>, 2024. Councilwoman Larsen seconded.

The Supervisor called for the public hearing to be held as advertised on the potential fee title acquisition for 7 South Cartwright Road, more specifically identified as Suffolk County Map# 700-15-4-135.

The Supervisor made a motion to adjourn the hearing until the special meeting to be held on December 17<sup>th</sup>, 2024, due to quorum.

At 9:13 the Supervisor reconvened the regular meeting and made a motion to close. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk

December 17, 2024

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 17<sup>th</sup> day of December, 2024. Town Board members present were: Supervisor Amber Brach-Williams, Councilwoman Margaret Larsen, Councilmen Albert Dickson, Benjamin Dyett and Gordon Gooding. Town Attorney Stephen Kiely, Town Clerk Amber Wilson, and approximately twenty persons were also present. All Town Board members signed a waiver of notice.

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

Salute to Flag

The Supervisor reconvened the public hearing on the potential fee title acquisition for 7 South Cartwright Road more specifically defined as Suffolk County Tax Map # 700-15-4-135 and opened the hearing to the public.

Councilman Gooding recused himself as he was the prior Chairman to the CPFAB. Members of the public expressed their view either for or against the potential acquisition. Some concerns were the process of the transaction, value, and potential use of the property.

At 1:25 p.m., the Supervisor made a motion to close the public hearing and recess the special meeting to hold the work session as advertised. Councilwoman Larsen seconded.

At 4:14 p.m., the Supervisor reconvened the special meeting.

#### RESOLUTION NO. 470

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

BE IT RESOLVED, that the regular meetings of the Town Board of the Town of Shelter Island will be held at 6:00 p.m. in the Shelter Island Town Hall, Shelter Island, New York on the following dates: January 6, 27, February 24, March 17, April 7, 28, May 19, June 9,30, July 21, August 11, September 8, 29, October 20, November 10, December 1, 22 of 2025.

BE IT FURTHER RESOLVED, that work sessions of the Town Board of the Town of Shelter Island will be held at 1 p.m. in the Shelter Island Town Hall, on the following dates: January 7,14, February 4, 11, March 4, 11, 18, April 1, 8, 15, 22, May 6,13, 20, June 3, 10, 17, July 1, 8,15, 22, August 5, 12, 19, September 9, 16, 23, October 7, 21, 28, November 18, 25, December 2, 9, 16 of 2025, and

BE IT FURTHER RESOLVED, that the following work sessions of the Town Board of the Town of Shelter Island will be held at 6:00 p.m., in the Shelter Island Town Hall on the following dates: January 28, February 25, March 25, April 29, June 24, July 29, August 26, September 30 of 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

#### RESOLUTION NO. 471

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

WHEREAS, Thomas and Eileen Murphy, 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 14 Sandpiper 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 \$16,000.00 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 \$16,000.00 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: 4 in favor 1 Abstain (Councilwoman Larsen)

The resolution was thereupon declared duly adopted.

December 17, 2024 – continued

RESOLUTION NO. 472

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

WHEREAS, a public hearing was duly held on Monday, December 16, 2024, to hear any and all persons either for or against a local law entitled “Vehicles and Traffic”, to make a certain portion of Waverly Place a one-way street, now, therefore

BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 20 – 2024, of which provides as follows:

LOCAL LAW NO. 20 of 2024

A LOCAL LAW amending Chapter 126, entitled “Vehicles and Traffic”, to make a certain portion of Waverly Place a one-way street

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

Section 1. Legislative Intent.

The Town Board finds that a dangerous condition exists on Waverly Place, between Clinton Ave and Grand Avenue, due to the convergence of the ferry line and vehicular traffic looking to merge into same, combined with general vehicular traffic seeking to head north on Clinton Avenue, with vehicular traffic heading westerly into the Heights. Therefore, in order to ameliorate said condition the Town Board has determined to make Waverly Place, between Clinton Avenue and Grand Avenue, a one way street in a westbound direction.

Section 2. Amendment.

Section 126-10 of the Shelter Island Code Chapter 126 (Vehicles and Traffic), is hereby amended by adding the underlined words as follows:

§ 126-10 One-way Streets.

B.

The following streets are hereby designated as one-way streets in the direction indicated:

[Amended 5-20-1983]

Name of Street	Direction of Travel	Location
Auburn Place	Eastbound	From Grand Avenue to Locust Avenue
Bluff Avenue	Southbound	From Bay Avenue to Prospect Avenue
Clinton Avenue	Northbound	From Chase Avenue at the bridge to Chequit Avenue
Grand Avenue	Southbound	From Summerfield Place to Waverly Place
Spring Garden Avenue	Westbound	From Prospect Avenue to Bay Avenue
Sylvan Place	Westbound	From Locust Avenue to Grand Avenue
Washington Street	Southbound	From Waverly Avenue to Prospect Avenue
<u>Waverly Place</u>	<u>Westbound</u>	<u>From Clinton Avenue to Grand Avenue</u>
Wesley Avenue	Southbound	From Bay Avenue to Prospect Avenue

Section 4. Authority.

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

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 safe vehicular and pedestrian travel on Waverly Place by making it a one way westbound street.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 473

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

WHEREAS, pursuant to New York State Law Section 64-e(8) a public hearing was held on December 17<sup>th</sup>, 2024, in connection with the potential acquisition of 7 South Cartwright Road, more specifically identified as Suffolk County Tax Map#: 700-15-4-135, and

WHEREAS, the total purchase price of the subject parcels is \$3,900,000.00, to be paid with Community Preservation Funds; and

WHEREAS, the Town Board has determined that this acquisition is the best alternative for the protection of community character of all the reasonable alternatives available to the Town, namely the establishment of a park, nature preserve, recreational or education area, now, therefore

BE IT RESOLVED, that the Town Board approves the subject acquisition and Town Supervisor is hereby authorized to sign and or execute any and all documents in connection with the purchase of the property.

Vote: 4 in favor 1 Abstain (Councilman Gooding)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 474

Councilman Dyett offered the following resolution, which was seconded by Councilman Gooding, to wit:

WHEREAS, pursuant to Shelter Island Town Code §109, Walter Richards has submitted a site plan review application on behalf of Liberty Lawn Care, owner of 17 North Ferry Road, designated as Tax Map 700-15-3-94, to construct commercial building to serve landscape business, building to be served by on site well and IA septic. 3,179 s.f. will be used for equipment storage and maintenance, 1,625 s.f. to be used for office and meeting room with bathroom, now, therefore

BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held at 6:12 p.m., prevailing time on the 27th day of January, 2025, 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. 475

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

WHEREAS, pursuant to Shelter Island Town Code §109, Jay Card has submitted a site plan review application on behalf of Gardiners Bay Country Club, 12 Dinah Rock Road, designated as Tax Map 700-3-02-32.1, to install an underground 116,000 gallon concrete holding tank for retention of irrigation water, install pump speed system to deliver water throughout the irrigation system. Construct small garage building to hold pump equipment and electronics. Collect storm water runoff into system and to install an emergency generator in future. Berm around building with plantings to screen from neighbors, now, therefore

BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held at 6:10 p.m., prevailing time on the 27th day of January, 2025, 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.

December 17, 2024 – continued

RESOLUTION NO. 476

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

WHEREAS, Alfred Loreto, 2 East Brander Parkway, has requested permission to perform a maintenance dredge as per DEC permit #1-4732-00353-00009, to dredge  $\pm 23'$  x  $39'$  private boat basin and  $\pm 15'$  x  $20'$  shoaling on east side of bulkhead to  $4'$  below MLW, resulting of  $\pm 100$  c.y. sand/silt to be taken to an approved upland source, now, therefore

BE IT RESOLVED, that a public hearing shall be held at 6:02 p.m., prevailing time on the 27<sup>th</sup> day of January, 2024, 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

At 4:25 p.m., the Supervisor made a motion to close the special meeting. Councilwoman Larsen seconded. The motion was carried.

Amber Wilson  
Town Clerk