



Southold Town Board

Regular Meeting

~ Minutes ~

53095 Main Road
Southold, NY 11971
www.southoldtownny.gov

Elizabeth A. Neville
(631) 765 - 1800

Tuesday, May 9, 2017

7:30 PM

Meeting Hall

Call to Order

7:30 PM Meeting called to order on May 9, 2017 at Meeting Hall, 53095 Route 25, Southold, NY.

Attendee Name	Organization	Title	Status	Arrived
James Dinizio Jr	Town of Southold	Councilman	Present	
William P. Ruland	Town of Southold	Councilman	Present	
Jill Doherty	Town of Southold	Councilwoman	Present	
Robert Ghosio	Town of Southold	Councilman	Present	
Louisa P. Evans	Town of Southold	Justice	Present	
Scott A. Russell	Town of Southold	Supervisor	Present	
Elizabeth A. Neville	Town of Southold	Town Clerk	Present	
William M Duffy	Town of Southold	Town Attorney	Present	

I. Reports

1. **ZBA Monthly Report**
2. **Program for the Disabled**
3. **Town Clerk Monthly Report**
4. **Recreation Department Monthly Report**

II. Public Notices

III. Communications

IV. Discussion

1. **9:00 AM Lynn Nyilas, Youth Bureau Director**
2. **9:15 AM Geb Cook, FI Ferry District Manager**
3. **9:45 AM Michael Collins**

4. **10:00 AM Councilman Ruland**
5. **10:30 AM Councilman Dinizio with Michael Verity**
6. **Update on the County-Wide Shared Services Initiative**
7. **Planning Board Request for L/L to Install Stop Signs at Schoolhouse Road/Griffing Street and Schoolhouse Road/Depot Lane**
8. **EXECUTIVE SESSION Proposed Acquisition, Sale or Lease of Real Property, Publicity of Which Would Substantially Affect the Value Thereof**
9. **EXECUTIVE SESSION Labor-Matters Involving Employment of Particular Person(S)**
10. **Mattituck Memorial Day Parade**
11. **American Diabetes Association**

12. **Motion To:** Motion to Enter Executive

RESOLVED that the Town Board of the Town of Southold hereby Enter into Executive Session at 11:51 AM for the purpose of discussing the following matters:

Proposed Acquisition, Sale or Lease of Real Property -
Publicity of Which Would Substantially Affect the Value Thereof
11:15 AM Appointment Melissa Spiro

Labor - Matters Involving Employment of Particular Person(S)
11:30 Chief Flatley
11:45 Elizabeth Neville

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louisa P. Evans, Justice
SECONDER:	Jill Doherty, Councilwoman
AYES:	Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

13. **Motion To:** Motion to Exit Executive

RESOLVED that the Town Board of the Town of Southold hereby Exit/Recess from this Executive Session at 1:20 PM.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: James Dinizio Jr, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

14. Motion To: Recess 9:00 AM meeting

RESOLVED that the Town Board of the Town of Southold hereby Recess this 9:00 AM meeting of the Town Board at 1:20 PM, to be reconvened at the Regular 7:30PM Meeting of the Southold Town Board.

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Jill Doherty, Councilwoman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

Pledge to the Flag

Opening Comments

Motion To: Reconvenes 9:00 AM meeting

RESOLVED that the Town Board of the Town of Southold hereby reconvenes the 9:00 AM meeting of the Southold Town Board at this 7:30PM Regular Meeting of the Southold Town Board.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Scott A. Russell, Supervisor
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

Supervisor Scott A. Russell

SUPERVISOR RUSSELL: Please rise and join in the Pledge of Allegiance. Thank you. I would offer the opportunity for anybody that wants to comment on any of the agenda items to please feel free? (No response)

V. Resolutions

1. Resolution 2017-404

Approve Audit

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

2. Resolution 2017-405

Next Town Board Meeting

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

3. Resolution 2017-406

Training - Building Science and the NYS 2016 ECCC

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Dinizio Jr, Councilman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

4. Resolution 2017-407

Advertise for Anti-Bias Task Force Members

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

5. Resolution 2017-408

Architectural Review Committee Appointment

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

6. Resolution 2017-409

Waive Parking Regs for Salty Flyrodders

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

7. Resolution 2017-410

Grant FMLA Leave to a Town Employee

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Ghosio, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

8. Resolution 2017-411

Appoint Secretary Alcohol Farm Product Working Group

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Dinizio Jr, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

9. Resolution 2017-412

Amend Resolution #2017-382

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

10. Resolution 2017-413

Zoning Board of Appeals Refund, Special Exception, Pawlowski, Inc.

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

11. Resolution 2017-414

Amends Resolution 2017-289

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

12. Resolution 2017-415

AFPGW Chairperson

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Ghosio, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

13. Resolution 2017-416

Attend Seminar - Heather Lanza and Erica Bufkins

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Dinizio Jr, Councilman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

14. Resolution 2017-417

Road Closures for North Fork Country Club Annual Golf Tournament

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

15. Resolution 2017-418

Clean Up Deposit Return

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

16. Resolution 2017-419

Change Order-Police Department

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

17. Resolution 2017-420

Amends Resolution 2017-334

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Ghosio, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

18. Resolution 2017-421

Hire Pump Out Boat Operator

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Dinizio Jr, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

19. Resolution 2017-422

Hire Pump Out Boat Operator

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

20. Resolution 2017-423

Cancel Contract Between Town of Southold and Forerunner Technologies, Inc.

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Jill Doherty, Councilwoman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

21. Resolution 2017-424

Black Box Network Services

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

22. Resolution 2017-425

Hire Summer 2017 Recreation Program Instructors

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Ghosio, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

23. Resolution 2017-426

Accept Resignation of James Moore

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Dinizio Jr, Councilman
SECONDER: Jill Doherty, Councilwoman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

24. Resolution 2017-427

Appoint FT Seasonal Cashier & FT Seasonal Deckhands

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

25. Resolution 2017-428

Increase Salaries of Deckhands

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

26. Resolution 2017-429

Refund of Online Transaction

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

27. Resolution 2017-430

CR 48 @ Depot Lane Repair

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Ghosio, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

28. Resolution 2017-431

Bond - Shade Shelter

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Dinizio Jr, Jill Doherty
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

Comments regarding resolution 431

SUPERVISOR RUSSELL: Let me just clarify, that is actually a capital project for the animal shelter. It is a solar and shade array. It's estimated cost is \$572,000. The figure you see includes a 10% contingency. We expect to have that whole cost offset by \$306,000 in grants.

29. Resolution 2017-432

Bond - Salt Barn

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

30. Resolution 2017-433

Orient Harbor July 4Th Festivities, Inc. Fireworks Permit

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

31. Resolution 2017-434

Greenport Fire Department Star Hose Co#3 Fireworks Permit

ATTACHMENTS:

- FIREPOLICY (DOC)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

32. Resolution 2017-435

Hire Pump Out Boat Operator

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Ghosio, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

33. Resolution 2017-436

Tree and Stump Removal Bid

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Dinizio Jr, Councilman
SECONDER: Jill Doherty, Councilwoman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

34. Resolution 2017-437

FIFD - Sea-Legs Inc

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

35. Resolution 2017-438

Municipal Clerks Week

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Jill Doherty, Councilwoman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

36. Resolution 2017-439

Town's Memorial Day Parade in Mattituck

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

37. Resolution 2017-440

Dunn Engineering-Suffolk County AREIS

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Ghosio, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

38. Resolution 2017-441

American Diabetes Bike Ride 2017

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Dinizio Jr, Councilman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

39. Resolution 2017-442

Police Department-Appoint TCO's

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

40. Resolution 2017-443

Fishers Island Bay Patrol - White

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

41. Resolution 2017-444

Fishers Island Bay Patrol

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

42. Resolution 2017-445

PH 6/6 - 7:31 Pm - LL Chapter 260

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

43. Resolution 2017-446

Enact Local Law - Chapter 83 - Animal

RESULT: ADOPTED [UNANIMOUS]
MOVER: Louisa P. Evans, Justice
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

44. Resolution 2017-447

Enact LL - Chapters 275 & 280

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

45. Resolution 2017-448

Enact LL - Carter Licenses

RESULT: ADOPTED [UNANIMOUS]
MOVER: William P. Ruland, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

VI. Public Hearings

1. 5/9 7:31 Pm - PH Chapter 83 - Animal

COUNCILMAN GHOSIO: **NOTICE IS HEREBY GIVEN**, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 28th day of March,

2017, a Local Law entitled **“A Local Law in relation to Amendments to Chapter 83, Animals”** AND

NOTICE IS HEREBY FURTHER GIVEN that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at the Southold Town Hall, 53095 Main Road, Southold, New York, on the 9th **day of May, 2017 at 7:31 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **“A Local Law in relation to Amendments to Chapter 83, Animals”** reads as follows:

LOCAL LAW NO. 2017

A Local Law entitled, **“A Local Law in relation to Amendments to Chapter 83, Animals”**.

BE IT ENACTED by the Town Board of the Town of Southold as follows:

II. Chapter 83 of the Code of the Town of Southold is hereby amended as follows:

ARTICLE II
Dogs

§ 83-8 Filing of complaints

~~(a.)—Any person who observes a dog causing damage or destruction to the property of a person other than its owner or one harboring a dog, or causing an annoyance to a person other than its owner or one harboring a dog may file a signed complaint, under oath, with a Town Justice of the Town of Southold specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.~~

§ 83-9. Summons; arrest warrant. [Amended 6-4-1991 by L.L. No. 12-1991]

- A. Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summons the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of such person.
- B. The prosecution of any complaint, information or action brought pursuant to this section shall ~~not~~ be the responsibility of the Town Attorney.

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

I do have here an affidavit that this public hearing has been affixed on the Town Clerk's bulletin board and also a signed affidavit that this was advertised in the Suffolk Times. That's all I have.

SUPERVISOR RUSSELL: Would anybody like to comment on this particular local law? (No response)

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Louisa P. Evans, Justice
SECONDER:	William P. Ruland, Councilman
AYES:	Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

2. **5/9 7:32 Pm - PH LL Chapters 275 & 280**

COUNCILMAN GHOSIO: **NOTICE IS HEREBY GIVEN**, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 28th day of March, 2017, a Local Law entitled **“A Local Law in relation to Amendments to Chapter 275 Wetlands and Shorelines and Chapter 280 Zoning”**. AND

NOTICE IS HEREBY FURTHER GIVEN that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at the Southold Town Hall, 53095 Main Road, Southold, New York, on the **9th day of May, 2017 at 7:32 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **“A Local Law in relation to Amendments to Chapter 275 Wetlands and Shorelines and Chapter 280 Zoning”** reads as follows:

LOCAL LAW NO. 2017

A Local Law entitled, **“A Local Law in relation to Amendments to Chapter 275 Wetlands and Shorelines and Chapter 280 Zoning”**.

BE IT ENACTED by the Town Board of the Town of Southold as follows:

Article I. General Provisions

§275-2 Definitions

BANK - Land incline adjoining a body of water, wetland and/or beach.

BLUFF - Land presenting ~~Any bank or cliff~~ with a precipitous or steeply sloped face adjoining a beach or a body of water. ~~The waterward limit of a bluff is the landward limit of its waterward natural protective feature. Where no beach is present, the waterward limit of a bluff is mean low water. The landward limit is 25 feet landward of the receding edge or, in those cases where there is no discernible line of active erosion, 25 feet landward of the point of inflection on the top of the bluff. The point of inflection is that point along the top of the bluff where the trend of the land slope changes to begin its descent to the shoreline. For the purposes of this chapter, a precipitous or steeply sloped face shall be a face with a slope of 20% or greater and a height of~~

greater than 20 ~~10~~ feet between ~~from~~ the toe of the bluff and the top of the bluff.

TOP OF BLUFF - The receding edge of the bluff or, in those cases where there is no discernable line of active erosion, the point of inflection. The point of inflection is that point where the trend of the land slope changes to begin its descent to the shoreline.

TOE OF BLUFF - The waterward limit of a bluff where the trend of the land slope changes to begin its ascent towards the top of the bluff. Where a hardened structure is in place, the toe of the bluff shall be the bottom of the seaward side of the structure.

§ 275-3. Findings; purpose; jurisdiction; setbacks.

Jurisdiction. The following areas are subject to protection under Chapter 275 of the Code of Southold.

- (1) Any freshwater wetland, tidal wetland, beach, bank, bluff, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool;
- (2) Any creek, estuary, stream, pond, canal, or lake;
- (3) Land under water;
- (4) Land subject to tidal action;
- (5) Land within 100 feet of the areas listed above;
- (6) All Town waters.

Chapter 280. Zoning

Article XXII. Supplementary Regulations

280-116. Building setback requirements adjacent to water bodies and wetlands. [Added 3-14-1989 by L.L. No. 3-1989; amended 11-24-1992 by L.L. No. 20-1992; 6-15-1993 by L.L. No. 8-1993; 12-15-2015 by L.L. No. 9-2015]

Notwithstanding any other provisions of this chapter, the following setback requirements shall apply to all buildings or structures located on lots adjacent to water bodies and wetlands:

- A. Lots adjacent to a bluff as defined in Chapter 275 of the Southold Town Code along the following bodies of water; Long Island Sound, Fishers Island Sound, Block Island Sound, Gardiners Bay, and Peconic Bay.
 - (1) All buildings or structures located on lots upon which there exists a bluff landward of the shore or beach shall be set back not fewer than 100 feet from the top of such bluff.
 - ~~(2) Except as otherwise provided in Subsection A(1) hereof, all buildings or structures located on lots adjacent to sounds shall be set back not less than 100 feet from the ordinary high water mark of said sound.~~
 - (23) Buildings or structures which are proposed landward of existing principal dwellings shall be exempt from the requirements set forth in Subsection A(1) hereof.
- ~~B. All buildings or structures located on lots upon which a bulkhead, concrete wall, riprap or similar structure exists and which are adjacent to tidal water bodies other than sounds shall be set back not less than 75 feet from the bulkhead. The following exceptions will apply:~~
 - ~~(1) Buildings which are proposed landward of existing buildings.~~

- (2) ~~Lands which are not bulkheaded and are subject to a determination by the Board of Town Trustees under Chapter 275, Wetlands and Shoreline, of the Code of the Town of Southold.~~
- (3) ~~Docks, wharves, pilings, boardwalks, stairs, promenades, walkways and piers, which are accessory and separate from existing buildings or accessory structures.~~
- C. ~~All buildings and structures located on lots adjacent to any freshwater body shall be set back not less than 75 feet from the edge of such water body or not less than 75 feet from the landward edge of the freshwater wetland, whichever is greater.~~
The following exception will apply:
- (1) ~~Lands which are not bulkheaded and are subject to a determination by the Board of Town Trustees under Chapter 275, Wetlands and Shoreline, of the Code of the Town of Southold~~

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

I do have a letter from the Suffolk County Department of Economic Development and Planning and that a decision of local determination, that this should be considered a matter for local determination as there is no apparent county-wide or inter-community impacts. I have a signed affidavit that this was noticed by the Town Clerk and also a signed affidavit that this was noticed in the Suffolk Times.

SUPERVISOR RUSSELL: Would anyone like to comment on this particular hearing? (No response)

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Louisa P. Evans, Justice
SECONDER:	William P. Ruland, Councilman
AYES:	Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

3. 5/9 7:33 Pm - LL in Regard to Carter Licenses

COUNCILMAN GHOSIO: **NOTICE IS HEREBY GIVEN** there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 25th day of April, 2017, a Local Law entitled **“A Local Law to Amend Chapter 233 regard to Carter Permits Licenses.”** and

NOTICE IS HEREBY FURTHER GIVEN the Town Board of the Town of Southold will hold a public hearing on the 9th day of May, 2017 at 7:33 pm on the aforesaid Local Law at which time all interested persons will be given the opportunity to be heard, and be it further

The proposed Local Law entitled, "**A Local Law to Amend Chapter 233 regard to Carter Permits-Licenses**" reads as follows:

LOCAL LAW NO. 2017

A Local Law entitled, "**A Local Law to Amend Chapter 233 regard to Carter Permits-Licenses**."

BE IT ENACTED by the Town Board of the Town of Southold as follows:

I. Purpose.

The safe and proper disposal of the solid wastes generated by the people of the Town of Southold and adherence to the mandates of the Town's Solid Waste Management Plan with respect to collection and disposal of solid waste and recyclables has been and remains a matter of serious public concern. The purpose of this local law is to clarify regulations and permitting requirements.

II. Chapter 233 of the Code of the Town of Southold is hereby amended as follows:

§233-3A. Disposal and Collection of Solid Waste and Recyclables.

B. Commercial Waste ~~Permit~~ Licenses Requirements.

1. With the exception of those operating within the Fishers Island Waste Management District, no refuse hauler or carter or agent thereof shall collect, transport or dispose of Solid Waste and/or Recyclables generated within the Town without obtaining a Carter's ~~Permit~~ License issued by the ~~Town Clerk~~ Solid Waste District.
3. Upon receipt of a complete application, the ~~Town Clerk~~ shall refer the application to the Solid Waste District shall refer the application to the Zoning Inspector for a determination of whether any violations of the law exist. The ~~Town Clerk~~ Solid Waste District shall issue the applicant a Carter ~~Permit~~ License so long as the applicant is deemed by the ~~Solid Waste District and Zoning Inspector~~ to be in compliance with this local law and all applicable County and State regulations.
5. Whenever satisfactory proof, such as by means of an affidavit, is submitted to the ~~Town Clerk~~ Solid Waste District that a Carter ~~Permit~~ License issued for the purpose set forth in this local law has been lost or destroyed, the ~~Town Clerk~~ Solid Waste District shall, upon payment of five dollars (\$5.00) by the applicant, issue a new Carter ~~Permit~~ License. No Carter ~~Permit~~ License issued pursuant to the provisions of this local law shall be transferable.
6. The Carter ~~Permit~~ License holder hereunder shall, upon request, furnish the Town with a list detailing the number of residences, commercial establishments or other generators of Solid Waste and/or Recyclables located in the Town and serviced by the applicant and the intended location that said Solid Waste and/or Recyclables shall be deposited by the carter. This list shall be prepared at a level of detail satisfactory to the ~~Town Clerk~~ Solid Waste District and shall be updated by the Carter ~~Permit~~ License holder at the request of the Town, but not more often than every three months.

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

I have an affidavit that this was noticed on the Town Clerk’s bulletin board and also in the Suffolk Times. That’s all I have.

SUPERVISOR RUSSELL: Would anybody like to comment on this particular local law? (No response)

This hearing was closed at 8:07 PM

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Louisa P. Evans, Justice
SECONDER:	William P. Ruland, Councilman
AYES:	Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell

VII. Closing Comments

Supervisor Scott A. Russell

SUPERVISOR RUSSELL: That concludes the business of the agenda. Is there anyone that would like to address the Town Board on any issue? (No response)

Adjournment

Motion To: Adjourn Town Board Meeting

RESOLVED that this meeting of the Southold Town Board be and hereby is declared adjourned at 8:09P.M.

* * * * *

Elizabeth A. Neville
Southold Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William P. Ruland, Councilman
SECONDER:	Jill Doherty, Councilwoman
AYES:	Dinizio Jr, Ruland, Doherty, Ghosio, Evans, Russell