



Southold Town Board

Regular Meeting

~ Minutes ~

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

Elizabeth A. Neville
(631) 765 - 1800

Tuesday, December 5, 2017

7:30 PM

Meeting Hall

Call to Order

7:30 PM Meeting called to order on December 5, 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	Absent	
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. North Fork Animal Welfare Reports
2. Town Clerk Monthly Report
3. Solid Waste District Reports

II. Public Notices

III. Communications

IV. Discussion

1. 9:00 Am - Jeff Standish
2. 9:15 Am - Councilman Dinizio, Chief Flatley, John Slattery
3. 9:30 Am - Michael Collins, Denis Noncarrow
4. 9:45 Am - Councilwoman Doherty, John Bredemeyer

5. **10:00 Am - Leslie Weisman**
6. **10:15 Am - Chris Baiz**
7. **Councilman Ruland**
8. **Code Amendment to Section 280-111- Prohibited Uses in All Districts-Aircraft (Follow Up from 11/21 Work Session)**
9. **Discussion on Resolution for Parking Permit Fees**
10. **EXECUTIVE SESSION - Potential Property Acquisition(S), Publicity of Which Would Substantially Affect the Value Thereof**
1. **EXECUTIVE SESSION - Labor- Matters Involving the Employment of a Particular Person(S)**

V. Special Presentation

Special Presentation for Years of Service to the North Fork Promotion Council

Opening Comments

SUPERVISOR RUSSELL: We are going to rise for the Pledge of Allegiance. I would just like to ask everybody to stay standing for a minute after that because we have a moment of silence we would like to have. I am also going to ask everybody for a moment of silence for Albert Krupski, Sr., he is the dad of Legislator Albert Krupski, who was a former Trustee, Town Board member and he also served as my Deputy Supervisor and the grandfather of current town Trustee Nicholas Krupski. Thank you. Now, just before we get the business of the meeting, some of you have been through this, some of you have not, what we will do is first I am presenting proclamations to two gentlemen who have given so much time to this community and their efforts have actually benefited everybody in this room, their work through North Fork Promotion Council. I don't know if you can even see or hear me but Neb and Jean, are you guys back there? Yes, sure. The first proclamation we are giving to Neb Brashich for his work on North Fork Promotion Council, you have been on the Transportation Committee, you have been on virtually every committee in town government. You were, I think an inaugural member of the Transportation Commission, 1992, you served there 25 years. The Promotion Council obviously (inaudible) I would have to say that was a job well done. So, on behalf of the residents of Southold Town, wishes to join with the North Fork Promotion Council in recognizing Neboysa "Neb" R. Brashich for his years of devoted service from 1992-2016 and whereas as a loyal and decicated supporter of the mission of the North Fork Promotion Council, Neb has given generously of his time and talent, many years and countless hours of service as a North Fork Promotion Council Board co-chair, chair and immediate past-chair and whereas Neb has been instrumental in supervising and enhancing the operations of the two information centers, securing funding and installation of the visitor information signs and scenic trail tourist interpretative signage and whereas Neb's accomplishments also include orchestrating fund raisers, coordinating sales and marketing of the North Fork Guide and Calendar of Events,

preparing grants and promotional agreements and whereas Neb has played a significant role as the founding director and North Fork Promotion Council liaison to the East End Tourism Alliance and has distinguished himself among his peers with his strong character, dedicated spirit and the manner in which he inspires those around him, now, therefore be it resolved that the Town Board of the Town of Southold hereby congratulates Neboysa R. Brashich and extends to him sincere gratitude for his service to the North Fork Promotion Council and to Southold Town. And I would like to acknowledge Joan Bischoff for his work on behalf of the Town Board from 2003-2016. (Inaudible) Again, someone that served on just about every committee in town government, North Fork Chamber of Commerce and just about every community minded civic association, the Town Board of the Town of Southold, on behalf of the residents of Southold Town, wishes to join with the North Fork Promotion Council in recognizing Joan Hendrick Bischoff Van Heemskerck for his years of devoted service from 2003-2016 and whereas as a loyal and dedicated supporter of the mission of the North Fork Promotion Council, Joan has given generously of his time and talent, many years and countless hours of service as a North Fork Promotion Council Board secretary, treasurer, vice-president and president and whereas during Joan's tenure with the North Fork Promotion Council he worked diligently with the area chambers of commerce organizations, business groups and non-profits to promote tourism on the North Fork and Southold Town and whereas some of Joan's most notable accomplishments for the North Fork Promotion Council include an updated annual print guide, website and feature Go-North Fork, along with a stream lined easy to read area map and participation in annual travel shows in New York and Boston and whereas Joan has distinguished himself among his peers with his strong character, dedicated spirit and the manner in which he inspires those around him, now, therefore be it resolved that the Town Board of the Town of Southold hereby congratulates Joan Hendrick Bischoff Van Heemskerck and extends to him sincere gratitude for his service to the North Fork Promotion Council and the people of Southold Town. Congratulations.

SUPERVISOR RUSSELL: Okay, what we are going to do now is get to the regular agenda and if anybody wants to speak on any of the agenda items, they should feel free now. I know we have some public hearings tonight that many people are here to comment on, those comments will be taken after we recess and go into the public hearing. So on the regular agenda, would anybody like to address the Town Board? (No response)

VI. Resolutions

1. Resolution 2017-983

Approve Audit

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

2. Resolution 2017-984

Next Town Board Meeting

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

3. Resolution 2017-985

Various Clean Up Deposits

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

4. Resolution 2017-986

Police Department-Budget Modification

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

5. Resolution 2017-987

Appoint Justin Gaydosik Automotive Equipment Operator

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

6. Resolution 2017-988

Bid for Rock Salt FI

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

7. Resolution 2017-989

FIFD - O'Connor Davies LP

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

8. Resolution 2017-990

2017 Budget Modification- Solid Waste

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

9. Resolution 2017-991

2017 Budget Modification- Capital

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

10. Resolution 2017-992

2017 Budget Modification - FIFD

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

11. Resolution 2017-993

2017 Budget Modification - FIFD

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

12. Resolution 2017-994

Engineering Budget Modification for Deans Parking Lot Survey

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

13. Resolution 2017-995

Police Department-Budget Modification

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

14. Resolution 2017-996

Budget Modification- Supervisor

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

15. Resolution 2017-997

Re-Register for Proprio Language Services

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

16. Resolution 2017-998

Engage Albrecht, Viggiano Zureck-2017 & 2018 Audits

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

17. Resolution 2017-999

2017 Budget Modification

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

18. Resolution 2017-1000

Connor Claim

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

19. Resolution 2017-1001

Police Department-Budget Modification

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

20. Resolution 2017-1002

Appoint Gregory Koehler Custodial Worker I

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

21. Resolution 2017-1003

Agreement - Village of Greenport, Accela

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

22. Resolution 2017-1004

MOA PERB Case

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

23. Resolution 2017-1005

Set PH 1/16/17 7:31 Pm - Chapter 280 Special Exception Uses

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

24. Resolution 2017-1006

Authorize and Direct the Town Clerk to Forward the Proposed Local Law

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

25. Resolution 2017-1007

2017 Budget Modification - Highway

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

26. Resolution 2017-1008

Letter of Intent Sale of Property

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

27. Resolution 2017-1009

U.S. Census Bureau's Local Update of Census Addresses Operation

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

28. Resolution 2017-1010

Permit Fees for 2018

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

29. Resolution 2017-1011

Enact - Chapter 280 Regarding Affordable Housing

RESULT: ADOPTED [4 TO 1]
MOVER: Jill Doherty, Councilwoman
SECONDER: William P. Ruland, Councilman
AYES: William P. Ruland, Jill Doherty, Robert Ghosio, Scott A. Russell
NAYS: James Dinizio Jr
ABSENT: Louisa P. Evans

Comment regarding resolution 1011

COUNCILMAN DINIZIO: I am going to make a statement. I am sorry I have to keep you here longer but our town is made up of 60 percent residential. the rest is industrial blah, blah, blah and about two percent commercial. Quite honestly, it's backwards, I made this statement in this hearing before a while ago that I just find it ironic that we are voting to put commercial operations in residential and we are going to have residential take over commercial. I cannot vote for this. I vote no.

30. Resolution 2017-1012

Enact - Chapter 280 - Wineries

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

VII. Public Hearings

1. Ph 12/5 7:30 Pm - Chapter 280 Regarding Affordable Housing

COUNCILMAN GHOSIO: **WHEREAS**, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 8th day of November, 2017, a Local Law entitled **“A Local Law in relation to Amendments to Chapter 280 of the Town Code entitled ‘Zoning’”** and it is

RESOLVED that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at Southold Town Hall, 53095 Main Road, Southold, New York, on the **5th day of December, 2017 at 7:30 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 280 of the Town Code entitled ‘Zoning’”** reads as follows:

LOCAL LAW NO. 2017

A Local Law entitled, **“A Local Law in relation to Amendments to Chapter 280 Zoning, in connection with the Affordable Housing”**.

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

I. Purpose.

To amend Chapter 280 to increase options for affordable housing within the Town of Southold and to increase regulatory compliance and grant funding availability for the same.

II. Chapter 280 of the Code of the Town of Southold is hereby amended by adding the underlined words and removing the struck items as follows:

§ 280-13 Use regulations.

[Amended 3-14-1989 by L.L. No. 3-1989]

In A-C₂, R-80, R-120, R-200 and R-400 Districts, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

B. Uses permitted by special exception by the Board of Appeals. The following uses are permitted as special exception by the Board of Appeals, as hereinafter provided, and, except for the uses set forth in Subsections **B(1)**, **(13)** and **(14)** hereof, are subject to site plan approval by the Planning Board:

(17) Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and

families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

- b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.
- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.
- f. The premises must be located within a designated hamlet locus (HALO) zone

D. Rental permit for accessory apartments. Notwithstanding any prior course of conduct or permission granted, no owner of property shall cause, permit, or allow the occupancy or use of an accessory apartment created pursuant to § **280-13A(6)** or § **280-13B(13)** without a valid rental permit issued upon application to the Chief Building Inspector.[Added 6-15-2010 by L.L. No. 2-2010]

(3) The owner of an accessory apartment in an accessory structure lawfully existing pursuant to § **280-13B(13)** shall, in addition to the information required in § **280-13D(1)(a)** through **(f)**, provide a certification that:

- (a)** The existing single-family dwelling or the accessory apartment in the accessory structure is occupied by the owner as the owner's principal residence.
- (b)** The other dwelling unit on the subject property is to be occupied by either a family member or a resident **an individual** who is currently on the Southold Town Affordable Housing Registry and eligible for placement.
- (c)** Rents charged to a tenant from the Affordable Housing Registry shall not exceed the rent established by the Town Board annually pursuant to § **280-30F** of this Code.
- (d)** The dwelling unit is in compliance with all of the provisions of the Code of the Town of Southold, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.

§ 280-17 Use regulations.

In an R-40 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- B.** Uses permitted by special exception of the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals, as hereinafter

provided, and subject to site plan approval by the Planning Board:

(3) Conversion of existing space to affordable residential housing.

- a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.
- b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.
- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.
- f. The premises must be located within a designated hamlet locus (HALO) zone

C. Accessory uses, limited to the following:

- (1) Same as § 280-13C of the Agricultural-Conservation District.
- (2) Same as §280-13D of the A-C, R-80, R-120, R-200 and R-400 Districts.

§ 280-30 General regulations and requirements.

- A. The Town Board shall require the recording of covenants and restrictions that shall apply to all real property within the AHD District. The covenants and restrictions shall contain terms and conditions as the Town Board and Planning Board deem necessary to insure the property is used for purposes consistent with the purposes for which the AHD zoning classification was created, and they shall be subject to the approval of the Town Attorney. The covenants and restrictions shall include the following: [Amended 5-3-2016 by L.L. No. 4-2016]
- C. Eligibility (non-age-restricted). In each AHD, the sale or lease of dwelling units and unimproved lots shall be reserved for moderate-income families who do not have any ownership interest in any other residence or vacant lot. The net worth of an applicant (individual or family) shall not exceed 25% of the purchase price of a home sold pursuant to this section. The eligible applicants shall must be grouped on a priority basis, and a lottery system will be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer ~~within each group in a formula acceptable to the Town Board. The priority groups are as follows:~~ [Amended 7-29-2008 by L.L. No. 8-2008; 5-3-2016 by L.L. No. 4-2016]
 - (1) Income-eligible individuals or families who have lived in the Town of Southold in the same school district as the dwelling unit or lot for a period of at least three years prior to the submission of their application.
 - (2) Income-eligible individuals or families who have lived in the Town of Southold for a period of at least three years prior to the submission of their application.

~~(3) Income eligible individuals/families who have been employed in the Town of Southhold for a period of at least three years prior to the submission of their application.~~

~~(4) Income eligible individuals/families who have previously lived for a minimum of three years in the Town of Southhold and wish to return.~~

~~(5) To all other eligible applicants.~~

D. Age-restricted (age 55 and over) dwelling units or unimproved lots. The sale or lease of dwelling units and unimproved lots in an age-restricted community shall be reserved for age eligible moderate-income families registered in the Town of Southhold Housing Registry, as administered by the Government Liaison Officer in the following order of priority:~~[Amended 7-29-2008 by L.L. No. 8-2008]~~

~~(1) Income eligible individuals or families where the head of household is age 55 or over, who have had a primary residence in the Town of Southhold for a period of at least five years prior to the submission of the application, and do not own real estate. Household annual income may not exceed 80% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(2) Income eligible individuals or families where the head of household is age 55 or over, who have had a primary residence in the Town of Southhold for a period of at least five years prior to the submission of the application, and do not own real estate. Household annual income may not exceed 100% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(3) Income eligible individuals or families where the head of household is age 55 or over, who have had a primary residence in the Town of Southhold for a period of at least five years prior to the submission of the application, and who will be divested of all real estate holdings within 90 days of the contract execution with the project sponsor (such ninety day period may be extended by resolution of the Town Board). Household annual income may not exceed 80% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(4) Income eligible individuals or families where the head of household is age 55 or over, who have had a primary residence in the Town of Southhold for a period of at least five years prior to the submission of the application, and who will be divested of all real estate holdings within 90 days of the contract execution with the project sponsor (such ninety day period may be extended by resolution of the Town Board). Household annual income may not exceed 100% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(5) Income eligible individuals or families where the head of household is age 55 or over, who have had a residence in the Town of Southhold for a period of at least five years prior to the submission of the application, and who will be divested of all real estate holdings within 90 days of the contract execution with the project sponsor. Household annual income may not exceed 100% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(6) Other income eligible applicants age 55 or over whose household annual income may not exceed 100% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

§ 280-38 Use regulations.

In the Residential Office (RO) District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- B.** Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided and subject to site plan approval by the Planning Board, provided that not more than one use shall be allowed for each 40,000 square feet of lot area:

(6) Conversion of existing space to affordable residential housing.

- a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot.. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.
- b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.
- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.

§ 280-41 Use regulations.

In the LB District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- B.** Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided and are subject to site plan approval by the Planning Board:

(5) Conversion of existing space to affordable residential housing.

- a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot.. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.
- b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.
- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and

- maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.

§ 280-44 **Purpose.**

The purpose of the Hamlet Business (HB) District is to provide for business development in the hamlet central business areas, including retail, office and service uses, public and semipublic uses, as well as hotel and motel and multifamily residential development that will support and enhance the retail development and provide a focus for the hamlet area.

§ 280-45 **Use regulations.**

[Amended 5-9-1989 by L.L. No. 6-1989; 12-12-1989 by L.L. No. 23-1989; 7-31-1990 by L.L. No. 16-1990; 5-16-1994 by L.L. No. 9-1994; 11-26-1994 by L.L. No. 26-1994; 2-7-1995 by L.L. No. 3-1995; 10-17-1995 by L.L. No. 21-1995; 5-6-2003 by L.L. No. 10-2003]

In the HB District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- A.** Permitted uses. The following are permitted uses and, except for those uses permitted under Subsection **A(1), (2), (3)** and **(20)** hereof, are subject to site plan approval by the Planning Board:[Amended 4-20-2004 by L.L. No. 11-2004]
- (1)** ~~One-family detached dwelling, not to exceed one dwelling on each lot. The dwelling must be occupied by the owner of the property.~~
- (2)** ~~Two-family dwelling, not to exceed one dwelling on each lot. The dwelling must be occupied by the owner of the property.~~

- B.** Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection **B(10)**, which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board:

[Amended 6-20-2006 by L.L. No. 8-2006]

(11) Conversion of existing space to affordable residential housing.

- a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.
- b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.
- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town

and County building code and septic specifications.

e. All converted affordable residential housing must have at least one parking space per unit.

C. Accessory uses. The following uses are permitted as accessory uses and, except for residential accessory uses and signs, which are subject to Article XIX, are subject to site plan review:

(1) Accessory uses as set forth in and regulated by § 280-13C(1) through (7) of the Agricultural-Conservation District, and subject to the conditions set forth in § 280-15 thereof.

(2) Apartments are permitted ~~within the principal building only~~, subject to the following requirements:

(a) The Building Department issuing an accessory apartment permit.

(b) The habitable floor area of each apartment shall be at least 350 square feet.

(c) ~~There shall be no more than three apartments created or maintained in any single structure.~~ The Apartment shall have all requisite Suffolk County Department of Health approvals.

(d) Each apartment shall have at least one off-street parking space.

(e) Construction and/or remodeling of an existing structure to create an accessory apartment shall not trigger the need for site plan approval set forth specifically in § 280-127 and Article XXIV in general unless such construction or remodeling results in an increase of the foundation size of the structure.

(f) The apartment(s) shall not comprise more than ~~50~~ 40% of the principal building.

(g) Each apartment on the subject property is to be occupied by either a property owner's immediate family member or an individual who is registered on the Southold Town Affordable Housing Registry and is eligible for placement prior to possession being taken.

§ 280-48 Use regulations.

B. Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection B(17), which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board.

(18) Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot.. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.

c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and

- maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.

§ 280-58 Use regulations.

B. Uses permitted by special exception of the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection **B(10)**, which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board:

[Amended 5-23-1989 by L.L. No. 7-1989; 4-28-1997 by L.L. No. 6-1997; 11-12-1997 by L.L. No. 26-1997; 2-12-2013 by L.L. No. 2-2013; 6-17-2014 by L.L. No. 7-2014]

(11) Conversion of existing space to affordable residential housing.

- a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.
- b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.
- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.
- f. The premises must be located within a designated hamlet locus (HALO) zone

§ 280-62 Use regulations.

In the LI District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

B. Uses permitted by special exception of the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection **B(10)**, which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board:

[Amended 4-28-1997 by L.L. No. 6-1997; 2-12-2013 by L.L. No. 2-2013; 6-17-2014 by L.L. No. 7-2014]

(18) Conversion of existing space to affordable residential housing.

- a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.
- b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.
- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.

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 a signed affidavit that this hearing was noticed in the Suffolk Times, I also have a signed, notarized affidavit that this was posted on the Town Clerk's bulletin board and on the website. I also have a letter here from Suffolk County that this is a decision for local determination and should not be construed as either an approval or disapproval. That's it.

SUPERVISOR RUSSELL: Okay. I am just going to ask the Board members to please sit as close as we can to the microphone so everyone can hear? Would anyone like to address the Town Board on this particular local law? Pat?

PATRICIA MOORE: Good evening, Patricia Moore. I would like to comment very short and sweet to begin with. If you want affordable housing, then the special permit process is not the way to do it, it is to make it a permitted use. You have here a method where it's going to have to go the Zoning Board for a special permit, that adds at least a year and thousands of dollars of the process, you are also having the individual, after the permits are approved, go through a site plan process. If you want to encourage this use and you identify the parameters including that it's to be done within the HALO zone so you already know the areas in town that are permitted, the HALO zones and from prior studies, that's the way you are going to get even the slightest chance to get a project going because a zoning board application is months and months of delay and an extremely expensive process. And then after that, then go for a site plan review. You also have a public hearing in January regarding special exceptions and the time frames that are so

restrictive that have been imposed within this local law, you have the implementation is to be six months within the time a special permit is granted. You can't complete a site plan review and health department and any other agencies including funding if there are sources, within that time frame. So you are creating, I think modifying the code to give flexibility and additional time because of the recognition of the six month short time frame is impossible. If you want to have a provision that the affordable will be implemented, than make it six months from the time a building permit is issued or a CO is issued or some time frame that is reasonable. What you have written here is unreasonable. And again, it's a policy decision but if you really want affordable, this is just not the way to do it. Make it a permitted use. The site plan process can address all the issues, you designate, you have already designated there, you said you wanted affordable, then it's just a question of parking and circulation and things like that. the special permit process is just one additional burdensome process. Thank you.

SUPERVISOR RUSSELL: I can appreciate that. First the site plan process can be waived by the Planning Board at any time. Secondly, you know, we are adding a new and, it's a pretty substantial change to the current code, so I don't think, you have to remember that when you are going to add a use, the public has a right to comment and that's where the ZBA has an opportunity to hear the rest of the public who might have a different idea of what they want to see for that site or they might think up to six is to intense a use and they are looking for three or four. We have to have that flexibility in looking at that application on a site by site basis.

MS. MOORE: I understand that but so far, every time that it's gone through a process and the public, it's usually the opposition is obviously all the neighbors and policy is always the denial, so you have to make a decision, if you want and again, the Planning Board has the discretion, they have denied things where there's just not enough land for the circulation of the use. So, somebody may think they can squeeze six units into one acre property and it may just be impossible and three units, four units, there is a ratio and again, it's site plan. But to again, you have my feelings about the special permit. I think it's just, it's just not happening out here. We are just not getting affordable and we have to make it easier to implement an affordable. So there might, there must be some properties in town that have come to you and said, we'd like to convert the building, so I am hoping that you have already got an idea of where some of these might go. That would be great. But if you already know where they are going to go, then why the special permit?

SUPERVISOR RUSSELL: We....

MS. MOORE: Site plan has a public hearing process.

SUPERVISOR RUSSELL: Well, the idea would be to waive the site plan process.

MS. MOORE: I have never seen the Planning Board waive any site plan process.

SUPERVISOR RUSSELL: Well, they have the authority.

MS. MOORE: And now we even have ag uses that are site planned.

SUPERVISOR RUSSELL: I disagree with those. In most instances, I disagree with those and for many years I have been saying they should waive it. my understanding is they have waived

at least some of the more negligible ones, modest ones from time to time. I do not know, they should be. I agree.

MS. MOORE: Thank you.

SUPERVISOR RUSSELL: Just the thing on the special exception, also we haven't really had people come up with specific locations, what they had was a specific concept, saying look, I am a business owner, I can't find housing for my people. Give me an avenue in the code where I can do that. let me find a place and let me get people in there, so that's really where that got fueled from.

MS. MOORE: Let me ask, is it taking away the accessory apartment provisions that are already in the code or is it adding another provision?

SUPERVISOR RUSSELL: It's adding.

MS. MOORE: Okay, so section 17 will be if you want more than what is up to two or three in the code, you can have up to a certain number.

SUPERVISOR RUSSELL: Yes, it removes the accessory and allows it as a principal, is really what it does. So you can go up to six now. the problem with the accessory, we tried to expand apartments in the downtown, it didn't work.

MS. MOORE: Right.

SUPERVISOR RUSSELL: So we have to keep trying all these different avenues and hopefully something will get produced.

MS. MOORE: There is also another provision here about one principal use per 40,000 in the RO zone, what's the thought? That a business would be one use and then apartments would be another? Or, why are we putting the limitation?

SUPERVISOR RUSSELL: I think that's the existing bulk schedule in the RO?

MS. MOORE: The RO has a bulk schedule, yes, but...

SUPERVISOR RUSSELL: I thought 40,000 square is the bulk schedule.

MS. MOORE: Yes, per use. So I don't know if it's from....

SUPERVISOR RUSSELL: It's considered a use. Up to six apartments still considered one use.

MS. MOORE: That will be one use?

SUPERVISOR RUSSELL: Yes.

MS. MOORE: Okay, then you can't combine it with a b business? That is, existing business?

SUPERVISOR RUSSELL: Well, it's a second use that you, if you went through the ZBA process you can discuss that. or you would come in on the accessory component which would give you the three. Right?

MS. MOORE: Right, you can do the three...but not the six. Okay, thank you.

SUPERVISOR RUSSELL: Would anyone else like to address the Town Board on this particular local law?

DOUG ROBERTS: Good evening, Doug Roberts, Greenport. Full disclosure, I am a Village Trustee in Greenport. I am not here representing the Village Board or our Mayor. I am here as a citizen, an advocate for housing. Bumped into the government liaison at the county legislature a couple of weeks ago, we both went and made our pitch for more help and what I said to the county legislature was, let's think inside the box, so what I mean by that is let's use the existing space that we have to build more housing. I want to commend all of you for pushing this and my constituents tell me all the time when I say, let's get more housing, let's let our young people stay here, they say well, the village is doing its part, it's time for the town to step up. So I want to say thank you for stepping up. A few things I wanted to ask about the eight year restriction or eight year term limit on that. What's the thinking there and can you tell me more about that?

SUPERVISOR RUSSELL: Why it ends at eight years?

MR. ROBERTS: Right.

SUPERVISOR RUSSELL: I think what we needed to do was recognize that it is commercial property and we didn't want to have the perpetuity component that you would have as a normal affordable housing because we are really not making a concession, we are just adding a use to the code. So we wanted the assurance that we were going to get eight years out of that apartment. That's where that came from. The owner, at a certain point, might want to return that property to a commercial use. And that is in the commercial zone so we didn't want to eliminate that possibility down the road. You know, the markets change. Right now the demands for apartments are a lot greater than the demands for an office or the commercial space which is why there is so much vacant. So the demand would hopefully be met now by the apartments. But ultimately that might shift a little bit and we might be able to create apartments elsewhere. I actually think in the near future we are going to have something (inaudible) that everyone is going to be very happy about.

MR. ROBERTS: Okay. I wanted to throw out Cedar Fields, you are all familiar with that, outside of the incorporated Village.

SUPERVISOR RUSSELL: Yes.

MR. ROBERTS: I hear from a lot of people around town that Cedar Fields is becoming, you know this was 10 years or so ago, so that 8 year time period just lapsed and in that time frame, Airbnb becomes this economic phenomenon. So now you have got people holding on to their homes because they couldn't afford to buy it now and someone comes in and makes it to a short term rental, so I was wondering if there might be some wisdom in thinking about making this period longer? I want to echo Ms. Moore's comments, if you look at the Village's code, chapter 159-18, we have a very simple streamlined process for residential over retail. And I wish it had

produced more housing, it hasn't. it's very expensive as I think everyone knows, you have got to put in all the fire systems and all of that, that's how people come and knock me, they say who is going to develop that space? If we are going to ask them to spend all that money to get it up to international building code, let's make it easy. And you know, not for nothing, I think we have all watched a process in the Town of Southold where the majority, the overwhelming majority in the community wanted a new sports facility called Sports East and it got kind of stuck in your statutory board's processes so I want to echo Ms. Moore and say, if you can streamline this and make it so that it's sort of as of right, it has got to fit code, pass inspection but then the housing gets built. I think that would help. I also want to point out, for the HALO zones that are near the Village, everyone knows the Village has a wastewater treatment plant, so give me a call if you need help, making sure we can get extensions built as things get built out there. I also want to make another plea, I have always been an advocate, you and I have talked about this before, Mr. Supervisor, the Community Preservation Fund is not controlled by the Village, you guys control it. you can spend up to 20 percent on water quality improvement, I hope this might be the thing that gets you to think about using this money for water quality improvement, specifically sewer hookup fees for structures that might get renovated to put housing into it. this is a good time to think about that, as you are pushing this way. As you know, you have to put a referendum on the ballot in the fall and people would vote on it and the second thing is that I am pushing our Village, I am asking our Mayor to send someone to this meeting on the 19th, for the county water. It's an acronym, WPQRP, it's the quarter percent sales tax, so if the two governments work together to make sure that homeowners in the town, homeowners in the village want to add more housing can get access. Outside of the village you have to pay a hook up fee. So I hope you will push for those funding streams because sewer hookup fees are not cheap, they cost the Village a bunch of money but we if we get one on the wastewater treatment plant, no one can be upset with the increased density because we won't be hurting the environment. So, thank you for listening.

SUPERVISOR RUSSELL: Thank you very much. Would anybody else like to address the Town Board on this particular local law? (No response)

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

2. PH 12/5 7:31 PM - Chapter 280 - Wineries

COUNCILMAN GHOSIO: **WHEREAS**, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 8th day of November, 2017, a Local Law entitled **“A Local Law in relation to Amendments to Chapter 280, Zoning, in connection with Use Regulations for Wineries in Residential Districts”** now, therefore, be it

RESOLVED 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 **5th day of December, 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 280,**

Zoning, in connection with Use Regulations for Wineries in Residential Districts” reads as follows:

LOCAL LAW NO. 2017

A Local Law entitled, **“A Local Law in relation to Amendments to Chapter 280, Zoning, in connection with Use Regulations for Wineries in Residential Districts”**.

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

I. Purpose.

To modify and clarify certain provision of the Town Code as it pertains to wineries in order to better protect the quality of life enjoyed by Southold Town residents while at the same time promoting wineries and other forms of Agritourism within the Town of Southold.

II. Chapter 280 of the Code of the Town of Southold is hereby amended as follows:

Chapter 280. Zoning Article III. Agricultural-Conservation (A-C) District and Low-Density Residential R-80, R-120, R-200 and R-400 Districts

§ 280-13. Use regulations.

In A-C, R-80, R-120, R-200 and R-400 Districts, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

A. Permitted uses.

(4) Wineries which meet the following standards:

(a) The winery shall be a place or premises on which wine is produced, processed and sold. The wine shall be made from ~~primarily Long Island~~ grapes of which at least 80% are grown on the premises or other land owned by the winery owner;

(b) The winery shall be on a parcel on which at least 10 acres are devoted to the growing of wine grapes vineyard or other agricultural purposes, and which is owned by the winery owner;

(c) The aforementioned 10 acres devoted to growing of grapes shall be in addition to any land where structures are to be built and should not be included in calculations as to whether the lot size conforms to the bulk schedule for the proposed use or uses on the parcel.

(d) The winery structures shall be set back a minimum of 100 feet from a major road; and

(e) The winery shall obtain site plan approval.

C. Accessory uses, limited to the following uses and subject to the conditions listed in § 280-15 herein:

(10) Wineries may have the following accessory uses:

(a) ~~A have an accessory~~ retail gift shop on the premises which may sell items accessory to wine, such as corkscrews, wine glasses, decanters, items for the storage and display of wine, books on winemaking and the region and nonspecific items bearing the insignia of the winery.

(b) In addition to wine made on the parcel, 20% of the wine sold at a winery may be from other Long Island wineries.

(c) Wineries may not have a commercial kitchen as an accessory use but may have a noncommercial kitchen facility for private use by the employees.

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 an affidavit that this has been noticed in the Suffolk Times, as well in the Town Clerk's office on the Town Clerk's bulletin board. And I do have a few letters here that I believe I should read into the record. 'Dear Town Board Members, Though I agree completely with the purpose of the proposed legislation, and the need for action, it is clear that this action will do little to nothing to improve or protect the quality of life for the citizenry of Southold Town. The most obvious problem is traffic during the busiest agritourism period, fall weekends. This is the direct result of one of the two major east-west routes on the north fork being effectively closed by east bound cars waiting to make left turns on the narrow, two lane Sound Avenue. The offending operations are not even wineries. There have certainly been incidences of serious problems related to noise and bad behaviors of winery patrons. These should be addressed through laws related directly to the actual issues. Noise regulations should be strictly enforced, with serious penalties. Trespassing and bad behaviors should be handled through laws related to those issues. If new laws are needed, they should be established to hold establishments responsible for the control of their patrons. Controlling the source of fruit for winemaking does nothing to affect the needed changes. It will probably move some farmland away from active cultivation. Many of the grapes grown in Southold move between producers. There is a definite need to protect the well-being of the residents of Southold but I urge you to do this through laws that actually address the problems. Please, on behalf of all the people and businesses involved in the wine industry in Southold, I urge you to table this proposal now to allow for the development of a more comprehensive and effective law. Sincerely, Sam McCullough.' I have another one, this I believe was an email from Randy Wade...

UNIDENTIFIED: I am sorry, I was so confused by what was being proposed on the website. I only heard hearsay what was being proposed but I would like to comment in writing after this hearing is...

COUNCILMAN GHOSIO: Are you Randy Wade?

SUPERVISOR RUSSELL: Yes. Okay, yes, we will defer.

COUNCILMAN GHOSIO: And I do have a letter here from the Peconic Land Trust. 'Dear Supervisor Russell and Members of the Town Board, It is very clear that there are legitimate concerns on the part of the Town Board, residents and the agricultural community that need to be addressed. Given the importance of this issue to the future of our community and the ag industry, we request that this public hearing remain open to keep the dialogue open. It is our hope that a collaborative process can be put in place to find a win/win solution. The Peconic Land Trust is here to help and we are available to serve on a working group with the Town, growers and residents at the table so that a mutually beneficial resolution to everyone's issues can be reached in the coming months. Thank you for your consideration. Sincerely, John Halsey.' And that is all I have.

SUPERVISOR RUSSELL: I would invite anyone that would like to come up and address the Town Board, the one thing I would just ask, please speak as close to the microphone as possible,

so the people in the back can hear.

BENJA SCHWARTZ: Benja Schwartz, Cutchogue. Thirty years ago I used to work in Hargraves, in the winery out here but I am going to be very brief tonight. I don't feel like this hearing should not be held, it shouldn't be continued. I was working all day, this morning I looked again at the proposed agenda, the draft agenda. The law was not on the agenda. It didn't say that this was a public hearing regarding on wineries. All it said was chapter 280. Chapter 280 is zoning. That includes not only the zoning map and the description and characterization of the zoning districts but they also throw in there other land use regulations including for wireless communication facilities, parking and loading areas, signs, non-conforming uses in buildings, farmland bill of rights, special exception uses of all types, site plan approvals of all kinds, administration and enforcement-AKA the building inspector and department, the Board of Appeals, the only major land use regulations that aren't in there are the Planning Board and the subdivision regulations which are in chapter 240. But to have a hearing on chapter 280, this is not going to be a hearing on chapter 280. I am not surprised that one of the people that actually took the time to write a letter were not prepared to discuss the subject of this hearing. In the five minutes since I have been here, I've read the proposed law and there are some very serious violations of basic English and common sense in that law. So, you know, if you are going to put together an agenda, if you are going to run a town, you need to understand how the law works, how communications work, how websites work. There is a law that says the agenda should also reference the items on the agenda. Doesn't have to be incorporated into the same document. It can be referenced via a link, in a separate document. That would save a lot of paper and enable a lot more people to know what you are really talking about. This particular law which you proposed tonight should be seen in the context of the other laws in the so-called town code of laws. The code of laws shouldn't be something that only lawyers can pretend to understand. Everybody should be able to understand it and we could, if this town would operate the government in an open manner. I have tried many times to help the town with the website with the code committee which all of this, I believe should have been prepared in the code committee, I have no way to verify that since the code committee doesn't have a secretary, doesn't keep minutes and I don't have time to go through all of the stuff that you do put on there or go through it because it's a waste of time if you are not going to give us the information that we need to intelligently address the issues. Thank you.

SUPERVISOR RUSSELL: Thank you, Benja. Who else would like to address the Town Board on this? Yes, Steve?

STEVEN MUDD: Good evening, my name is Steven Mudd, I am with Mudd Vineyard in Southold, I would like to ask each Board member at this point to state their position on this new code. Is that a possibility?

SUPERVISOR RUSSELL: It sure is. I can give you my impression for the time being but I do want an opportunity to hear everybody and then ultimately render a decision based on the input that I get. I think to suggest that I am going to sit here with a strident position and then everybody's wasting their time is not accurate, it's not what I have ever done here. So I can tell you what my impression in, number one, there's a misunderstanding. The current code already requires 10 acres. It already requires another two acres for the winery, the core complex. Already does, we all know that. What this does is it requires the 10 acres, not just in agricultural production but actually just growing grapes. The second component which is the 80 percent processing. I have got to be candid, we adopted, we had cross-referenced this code based on this

new code, we cross-referenced to the definitions we just adopted a year ago. Now at that meeting, that night, the proposed for agricultural processing building said from a sole operation. It more or less proposed that 100 percent of the products be grown by that operator, alright? That night there was a lot of opposition that was raised, some wanted 60-40 based on a farm stand standard which really isn't pertinent. I know some commentators that have criticized this had actually recommended 75 percent that night, so 80 percent isn't missing the mark by that much. I had a meeting in that conference room with several people from the industry or from the agricultural industry and we were working out the numbers and I, we settled on 80 and we went around to see if that was viable, I even talked to somebody that wasn't there and you know, a potato chip maker and everybody thought that number was viable, so that's where that number came from, alright? We were going to change the code. Remember that night there was a lot of pushback on that 100 percent but I was asked to adopt the code that night by the ag advisory committee because they felt like it had gotten so far down the pike, let's just go ahead and adopt it and work out the glitches or details later which is exactly what we are trying to do. With regard to the 80 percent processing on site, I had already mentioned to, I know Frank Perretta raised that as a concern last week, I agreed with him. I went to ag advisory the other night and said you know what, maybe we need to revisit the 80 percent on site. I need to look at it. I don't know for sure, I am not going to say that I am not going to require it. I wanted to understand more about the processing process. But I do think that's something we should be discussing in a little bit more detail. Regarding the other proposals, the, it should be understood that not one single winery in Southold Town that's already been approved or that's already in the pipeline to be approved would be impacted by this one bit. Not one. it does not prohibit people from buying grapes and making wine, buy all the grapes you want, make all the wine you want. It has to do on where you are going to land that sales component and if you are going to buy grapes, process wine somewhere and you want to open a winery, for the time being, a commercial operation or a commercial zoning area seems to work. If you can get yourself to the position where you can meet the other criteria of the code.

MR. MUDD: Alright, Scott. You are misinterpreting my question. I apologize for that. What I asked for was other Board members that are sitting up there with you share their opinion (inaudible). That's what I am asking.

SUPERVISOR RUSSELL: Fair, Steve.

MR. MUDD: If Mr. Ghosio could start, that would be great.

COUNCILMAN GHOSIO: At the moment I don't have an opinion one way or the other because I am not an expert in the wineries and wine making. I find it very important and very telling that so many people came out tonight to discuss this, which tells me that there are a number of things that we need to consider. One is the impact on the community as a whole and the impact on the businesses and so I don't have an opinion one way or the other at the moment because I am waiting to see the input. Perhaps ask the question at the end of the hearing I might have a little bit more to say. But that's where I am at the moment.

COUNCILMAN RULAND: As I have said before, the process which always seems to me to be flawed, this discussion should take place prior to whatever draft is prepared. There have been a number of meetings. There is a caveat that the law doesn't allow it to operate that way but there have been a number of meetings especially with the Alcohol Farm Products Working Group that have been poorly attended. I have attended a lot of them, so there was a time for input but my

input for the, I agree basically with Bob. What is said tonight is going to drive the final product, there is no question about that. Certainly valid points have been raised and will be raised. Those are the things I need to listen to. Because I can't make an informed decision. The fact that in a lot of ways, if the draft was just vacant, then you take the input, insert it into your draft, come up with something that was acceptable and the process would be a lot more workable and easier for everybody. But the process doesn't work that way. So what we have here is a large number of people, many of whom I think are going to speak and give their opinion. Which is what is most valuable to me.

MR. MUDD: Fair enough. Ms. Doherty?

COUNCILWOMAN DOHERTY: I would echo my colleagues but also, this is the process that we go through and I am not going to pretend that I know the process that you go through to make your wine. I am here to listen. We are here to do this together. We are just six people, we are here for you guys and everybody in the town and it's a business that's thriving in the town and brings a lot of tourists in this town. You all know we are, a lot more people are coming out here and we have to keep up with the times, we have to balance it out, so you all make your money and you can run your business but we can also have the health and safety and welfare in our town and I am here to listen to everybody, so I haven't formed an opinion yet either way.

MR. MUDD: Great, thank you for your comments. Mr. Dinizio?

COUNCILMAN DINIZIO: As you know, Steve, I have been involved since Gristina vineyards, I have been involved for 35 years and I have been involved since the first special exception was given to Gristina vineyards in Cutchogue. So I have seen it grow. This particular law, if you want my comments on it, I would prefer that the 80/20 be something more verifiable than what we are looking at in this code. Appellation is one I think the north fork, you know, the south fork and if we can somehow, I know that's enforced by the SLA, if we can somehow come to an agreement on that, if a winery is willing to put out the quality of a north fork designation, that they get the goodies. What am I talking about? I'm talking about having the fund raising part of the equation, which is quite honestly the elephant in this room. I have no objection at all to someone purchasing 10 acres, having, producing their product. It is a different product than broccoli, certainly the alcohol part of it concerns me when it's going into a residential neighborhood but I just think that this particular law doesn't address the winery part of it. So I am looking for answers. I have my own strong opinions but you know, I read what was going on on Facebook and all the comments and quite honestly, you know, there's a side to this story that I didn't quite understand and not everybody grows grapes. Some people just make wine. Some people just grow grapes. Some people purchase grapes. You know, I just drive up and down Southold Town as I work and I just see a winery and grapes, quite honestly. I install alarm systems for a living. I am willing to have that discussion. My personal feeling is I would rather that 80/20 be verifiable. If it's, the SLA has to tell us that, that's where I want that.

MR. MUDD: Thank you each and every one of you for your comments. I appreciate it. I just want to be put on the record to let you know, I am just a grape grower, okay. I am just a farmer, okay. Believe it or not, grape growing is farming, okay? It's real important that you folks understand that, okay? I have been a grape grower in Southold since 1974. I don't make wine. I sell my grapes or I used to sell my grapes to local wineries or I used to. And now, going into my 44th year, I have to ask myself, if you folks pass this into code, who is going to be allowed to buy my grapes? Can anybody answer that? Probably not. This is a major concern I have. Who is going to be allowed by this new code to buy my grapes, 44 years later, okay? I have been on the

Long Island Farm Bureau board of directors. I have been on the Southold Agricultural Advisory Committee. I currently sit on the Suffolk County Farmland Protection Board. I am real familiar with farming, okay. I am not sure this Board is calling this a potential new winery code. It is really confusing to a farmer. I am not sure what the logistics is. this proposed new code in my opinion, is a 100 percent anti-farming code. One hundred percent. I am requesting that this gets voted down tonight by all of you or a majority of you and please, let's go back to the table and re-group. Thank you for your time.

ANNE MURRAY: My name is Anne Murray and I live in East Marion. I am here as a member of the Alcohol Farm Products group. I sent a letter to the Board on behalf of the group asking you to not vote on this resolution this evening and to table it and we would also, as a committee, ask that you extend our term for at least another six months because we have many more issues to consider and we would ask that you not vote on this. Thank you.

SUPERVISOR RUSSELL: Who else would like to?

LOUISA HARGRAVE: Hi, my name is Louisa Hargrave, I am in Greenport. I thought that I would make some comments today because I have been working as a member of the Alcohol Farm Products working group and I guess a lot of you aren't really familiar with what we have been trying to do so I just wanted to review a little bit, since April 24th, I and the other members of my group have attended over 16 meetings to discuss possible changes in town code regarding wineries in Southold and I myself have also spent many hours researching ideas and possible solutions to the problems that concern us all. I sold my farm as you know in 1999 and I have no stake in the wine business but I do believe in saving farmland, especially farmland here in Southold. I have a question for you Board members, specific question, did the language in the proposal before us today come from a code committee meeting on October 19th? Is that where this language came from?

SUPERVISOR RUSSELL: I don't remember the exact date of the code committee meeting but we had the discussion at work session and then deferred it to the code committee and I know it was noticed five days prior to the meeting. It was publicly noticed.

MS. HARGRAVE: Okay, because the reason I ask is that I was told that there was going to be a code committee meeting on the 19th and I was planning to attend the meeting and then I was told, quote, they are not looking at anything that concerns our committee, so there is no point in going. So I didn't go to that meeting and since then, I found out that as you mentioned here on November 8th which was the day after election day, (inaudible) and Scott, you sent us an email with the contents of the resolution on November 29th, so our committee that was tasked with coming up with language that we were planning to propose was put up for a public hearing and we didn't even know about it until November 29th. So I am just wondering if those of you who are on the Board are aware that this language that is in the code does not reflect the works of our group? Are you aware of that?

COUNCILMAN DINIZIO: I would say that, I recall the code committee meeting, that we had the discussion, my concern is the 80/20, I don't know if that's what you are talking about?

MS. HARGRAVE: We didn't even talk about that at all at our meetings.

COUNCILMAN DINIZIO: Honestly, that's the gist of this code as far as I am concerned. As

far as a, I would assume or I did assume that time that the person that was presenting those recommendations to us at that code committee meeting was the chairman of the committee that you are on.

MS. HARGRAVE: Who was that?

COUNCILMAN DINIZIO: Mr. Purita.

MS. HARGRAVE: Well, Mr. Purita didn't tell any of us in our group that that was happening or that he was doing that.

COUNCILMAN DINIZIO: Well, like I said, I am sitting in a room...

MS. HARGRAVE: I mean, he told me he wasn't going to the meeting.

COUNCILMAN DINIZIO: But hold on, I am sitting in a room, a gentleman from a committee that I appointed is giving me recommendations, we had a spirited discussion and after that, my personal feeling is that what the committee presented to us, whatever it was, that gentleman presented to us and we acted on it.

MS. HARGRAVE: Okay. Well, I mean, fair enough but it's kind of interesting to me. So we didn't intend that there be a hearing or a vote without having a chance to present a much more comprehensive and flexible view. So I just have a few more things that I would like to say because I was, myself, one of the people who decades ago did advocate a 10 acre minimum for farmland in order to have a farm winery and that all came out of a discussion based on the ag district assessment size which I think now has changed back to seven acres but so, today I feel like that legislating that minimum for farmers and I know it's in the code but we can change the code, it's like making new clothes for a dinosaur. We don't farm the same way now, that minimum size and this is the crux of my thing about the 10 acre, that minimum size means that anyone who wants a winery will be forced to spend so much money and we are talking about a minimum of \$5,000,000., that they will have to depend on special events and weddings for their business model. Our working group, this is part of what we were working on, has been developing a winery definition that allows for marketing in a more comprehensive framework for wineries. And unlike the code before you, it does consider tasting as an accessory use. It's not just sale of wine but you can do your marketing on site because people like to come out to the farm itself and taste the wine before they make their purchasing decisions. If they want to drink wine in a bar, they will go and drink wine in a bar in Huntington or Patchogue or Boston, New York City, wherever they come from. They come here for the experience of being on the farm, tasting some wines and then buying some and that's the business model. Of our proposal, includes legacy wineries and a micro-winery and that idea would be in agricultural zoning with standards for minimum and maximum planning, like you have to have a certain number of grapes. I mean, Scott, I agree with you, you should be planting grapes if you are going to be having a farm winery, having events especially and selling wine, I don't disagree with that part of it but it needs to be more flexible. So this micro-winery could be on less than 10 acres of grapes. In our concept, there would be a small reception area, kind of like what you see if you go to Europe and visit these little wineries. It would be the size of a farm stand or smaller. It would only be open by appointment, especially on the weekends. So this would give existing farmers a chance to diversify into wine or for a young farmer to get a chance to get started with a focus on quality rather than tourism. Part of my question is, why can't we, it seems like this 10

and 2 and all this regulations just like some concept made up in the sky and brought down to Southold Town and I think if you look at some real businesses and be guided by them, I would like to make a suggestion that you be consider Roanoke Vineyards, they have five acres of grapes, five acres of grapes, they do grow grapes on Sound Avenue. I think they also buy grapes, their wines are collaboratively fermented at Wolfer and their tasting room is only open to wine club members. There is minimal traffic, it is a good business model. Why can't someone buy an existing farm and adapt its existing buildings to wine making and marketing? That worked fine for Bedell and Lenz, my old winery, why do you require a new building if one already exists? And as for the mandate that a winery or a farm grow 80 percent, this is the most important part and I know a lot of other people are going to talk about it, the 80 percent mandate of what they sell on land they own. Our group didn't discuss it, we didn't advocate it and I do believe it would end the 40 years of Southold as a farm wine region. And to that point I just want to say, in the last 10 years that I did have a farm winery in Southold between '89 and '99, more than half our grapes came from farm land we leased in Mattituck and that's because the grapes that we had planted initially on our own farm, we bought certified, disease free material from California, it was full of disease, it had viruses and didn't give us the quality or the, we had to rip most of it out and replant, so we leased land, (inaudible) this 80 percent would pull us out of business right away and so I think that's an important point. I personally had been stuck in the mud in farming here and I have been stuck in traffic and I don't see any reason for us to sling mud now. I feel like you as a Board as well as we citizens of this town need to decide how we want Southold to look in 10 or 20 years. How many of you on this Board are aware that there are right now venture capitalists who have bought large acreage and they are waiting to plant marijuana. Do you know that? Raise your hand if you know that. Okay, I am telling you that there are people that bought land and as soon as marijuana legalization is expanded, that's what they are going to do. How many applications for new houses are pending? Quite a few?

SUPERVISOR RUSSELL: As far as subdivisions go? There's only one subdivision that I am aware of that exceeded 10 lots, that was at Royalton Estates in Mattituck.

MS. HARGRAVE: Actually the farm that we were leasing, which was Manor Hill, that a few years after we stopped working it, was abandoned and it is now owned by someone else and it's a large acreage and god only knows what's going to happen with that but that was a case where (inaudible) when we were farming it, it was planted in grapes and it's gone. So I feel like it's up to you, the Board, you are taking it very seriously, I am glad you are taking it seriously. I don't think you should vote on this now or ever, I think we need to maintain the dialogue and I think you have to decide what this place is going to look most like. Is it going to be Burgundy, is it going to be Baldwin or is it going to be a town of barbed wire? Thank you.

SUPERVISOR RUSSELL: I'll listen in just a second but just a couple of issues since I was at a lot of those meetings. First and foremost, you had originally supported 10 and 2, the issue was how much would be grapes or not? Now, Louisa, let me just explain though. I told you we could look at smaller parcels for wineries. Cull them out, treat them differently. My term at the time was small scale, you had taken that now as micro. I told you those were the things we need to look at. But they have their own host of problems, so they really need to be culled out of what, you know, the larger more traditional wineries. I've already said that, that we need to do that and that's what you guys had started working on. I didn't necessarily agree with the draft you had proposed and I made my voice heard but I have told you from the beginning, those are the things we do want to look at because we recognize that some of these smaller facilities, provided there's enough safeguards in place are something that are probably going to evolve into

a bigger future in Southold Town. I already told you that.

MS. HARGRAVE: See the thing is, well, first of all, I personally did not vote on a 10 and 2 because of all the things I said and I made this argument. you brought this up at almost every meeting we had, we have got to vote on 10 and 2, you can change your mind later but we have got to vote on 10 and 2 blah, blah, blah. And I tried to make the argument that it pushes people to have a more expensive basic investment that forces them to have more special events. you want 10 and 2, you are probably going to get 10 and 2 and I agree that there should be grapes planted there and I don't want to be argumentative but I am just saying that I don't know why you would bring code forward knowing that we have more comprehensive ideas that you endorse, it does include smaller wineries. But what concerns me is this could go forward the way it is written today, which by the way does not include a tasting room at all as an accessory use, you could go ahead and you could vote on this and then just never even look at the smaller winery. I feel like, you know, we are much more flexible in the way we farm today and honestly, I am so impressed by the farming community as being collaborative in the way people, they loan each other equipment, they help each other with this and that. You know, you need these grapes, we'll make a deal with you. They trade for this and that. it's everybody has got the same interest at stake and everybody is worried about the issues like traffic and I mean, I said we are all stuck in the same traffic but the wineries aren't about the traffic, there are other issues. Scott, I think you are really a man, you are very smart, you think things through and you are very articulate but I think that it's misguided to go in this direction but most specifically, based on, for the purposes of this hearing tonight and I am not going to dominate this conversation but we as the Farm Alcohol Working Group worked really, really hard and it's like, why? It seems like you already knew what you were going to put forward, you put it forward and we didn't even know about it. I don't think that's a collaborative process, you asked people to volunteer hours and hours of really sincere work and that's what I personally did and so, I just think that it's time to, I am glad we are having this public hearing, I guess because we are going to hear other opinions and I am glad that members of the Board are going to take it seriously because we need more flexibility. And if you are going to take a vote and especially if you do endorse a more flexible concept then let's bring that forward as a current proposal not what we have today.

SUPERVISOR RUSSELL: I appreciate that but I was at a few of those meetings and every single meeting, you endorsed 10 and 2. The whole discussion at that time was whether it should be the 8 and grapes....

MS. HARGRAVE: You can look at my vote. You can look at my vote.

SUPERVISOR RUSSELL: What we decided then, I kept saying look, all these different wineries and these different, they all have different needs. Just break them out, treat them separately, because they have different issues. Because they might get a little closer to residential areas so you might want to think about the no, and I was the one that told you, one of the local growers that has a small winery, that is having trouble getting through the process. I said, bring him to the meeting and discuss his challenges and his model, that way you can learn more about what the needs are for what they call boutique wineries. I told you to do all that. This 10 and 2, we didn't, we didn't ask you to create 10 and 2, its already part of the code. The issue was whether it needs to be grapes or privet hedges. And right now, with applications growing privet hedges, we felt like we needed to move on. At the very least, have someone plant 10 acres in grapes.

MS. HARGRAVE: This is like, this is the privet law. And I am against privet.

COUNCILWOMAN DOHERTY: I just want to make one comment to what Louisa said, I consider this, what we are talking about tonight, just a part of all the changes that need to be made. This is not a one and done you know, this is just something we thought we could clarify so we can move on and this would help us so we are all on the same page of what we are talking about and then we can move on to make the changes. I believe that we can get to something that works for everybody eventually on this and then continue on working and making the rest of the changes we need to make.

ROB CARPENTER: Thank you for the opportunity to speak. My name is Rob Carpenter and I am the executive director of Long Island Farm Bureau. Long Island Farm Bureau represents the agricultural industry in Southold and on Long Island, including our members in the vegetable, nursery, greenhouse, aquaculture and wine industry. I would like to thank the Town Board to present our testimony in opposition to this proposed code. Farming in Southold Town has been an integral part of your 377 year history and we have traditionally worked very closely with Southold Town to ensure that agriculture can survive and prosper here. Productive farmland gives Southold its rural character that so many residents and visitors have come to appreciate and hold out as a benefit of what makes Southold a very unique place to live, work and play. Tonight you will hear from many farmers and at this point, I would just like to ask all the farmers in the room to stand up and be recognized. And as a side note, in my 32 years of working for Farm Bureau, I consider these people to be heroes, much as the policemen and the firemen and the teachers. They are the ones that feed us and provide the food and sustenance for us to live. Tonight you will hear from many farmers who are here to express concerns and dismay at the proposed code changes. With over 9,600 acres of farmland in production, agriculture comprises almost 30 percent of the land base in Southold Town. Farmers have a tremendous amount at stake. The Town Board talks about wanting to protect the citizens of the town and I would like to remind you that the members of the farming community are citizens of the town. And I ask, how are you protecting them with this proposed code? We oppose this legislation on many different levels as it being overly restrictive in the agricultural conservation zone. In town code, it specifically states the town has the ability to reasonable control and to the extent possible, prevent unnecessary loss of those currently open lands within the town. By requiring an ownership component, you limit what new and beginning farmers are able to do when establishing new operations. Very few young farmers are going to be able to spend over \$1 million just to buy the land necessary to start an agricultural operation. I am asking does the Town Board support young farmers? How are you helping the next Alex and Louisa Hargrave to establish an industry or business in the town? Furthermore, many of your school districts have started agriculture education programs to teach children about where their food comes from. How are you sending an example to encourage our youth to continue the industry of farming? We believe this is just a first step in regulating other segments of our industry. Every town government that rallies against being told what to do by other restrictive entities, I find it very concerning that you are undertaking to do just that to agriculture. The Supervisor is correct that some of this language is already in town code. That is the code we should be discussing tonight. The relaxation of the overly restrictive code on the books. With a requirement of 80 percent of wine be produced on your own land in the AC zone, you are restricting the total gross sales that a business can have if they are situated in those zones. I ask, what gives any government entity the right and ability to restrict a business sales in any way, shape or form? Will you do the same to other businesses that are located in the AC zones that are written into the code? Such as homeowners that have home based businesses. Our other main concern with this proposed code

has been the lack of full industry participation in the crafting and development of this language. No input was gathered from the broad industry or even of the industry it most affects. As a representative of all of agriculture, I have talked to dozens of farmers in the town who had no knowledge of this code, nor was it every presented to a wide audience for input. As citizens, residents, landowners, business owners and farmers, the agricultural industry is angry that our voice was not widely heard or engaged in this process. With almost 80 percent of the land owned by farmers, a major industry within the town that creates jobs, the rural character, the farm community will no longer be denied a voice in matters affecting our industry. The town board by virtue of allowing this misplaced legislation to come to public hearing tonight has awakened a sleeping giant. The farm community will no longer stand for being pushed around. We will no longer stand for being intimidated and we are here to tell you that we will be a force to be reckoned with and we are watching and watching very closely what happens in this town. We offer tonight to you, the Town Board, our willingness to sit with you and members of the community and the agricultural industry, to engage broadly on any of the issues of concern that you may have. We are willing, ready and able to engage so a workable solution can be found by all involved. Most importantly, we the agricultural industry, strongly urge that you withdraw this proposed code tonight or if you have the will, vote on it and do so now to vote this now so we can move forward with a workable solution for your concerns. We ask that you resolve this situation immediately. Remember, the farm community is watching. Are you with us or are you against us?

SUPERVISOR RUSSELL: I know I have to let people speak but these are the definitions you asked me to adopt in April 11 of 2017 which defined the on farm processing from the sole operator. Now I have already said that we might need some flexibility there. Certainly the 100 percent, I already said that we need to revisit and I thought I did at a meeting some months ago but you guys can't keep moving the goal post on me either. You know, we are trying here and we are trying to get a number that, what works for you? I got 75 percent from one, I got 60 percent from one. What's the number?

MR. CARPENTER: Can I ask one question? I think they gave you the answer but can I ask one question?

SUPERVISOR RUSSELL: No agricultural production of any kind by anyone that wants to build a winery? They are not required to grow agriculture of any kind? Is that what zero means?

COUNCILWOMAN DOHERTY: On an agricultural piece of property.

SUPERVISOR RUSSELL: Yes.

MR. CARPENTER: I think there are already guidelines in place that should be looked at, both in town code, state code and SLA code that can address some of these issues. To come up with a fair and workable solution and we ask that the industry be consulted on a broad level, to sit down with all of you and work this out. Mr. Russell, we have asked numerous times to be included in these discussions. And yet we have yet to be invited to a meeting with some of the industry participants and sit down and work together on this. We very much would like to work with you. We very much would like to solve this problem and very much come up with a workable code for everything. So we ask that you include us and we stop and move forward in a workable and constructive manner.

SUPERVISOR RUSSELL: I told the Farm Working Group to bring in who you need to bring in. I told them don't listen to the lobbying on the outside, bring them into a meeting and have the discussion there. I told them that. And I also went and met with you prior to any of the discussion about any of the need for change and I gave you three or four pages of bullet points. So you knew there were issues there that need to start getting worked on. We did what we were asked to do which was to adopt the definitions and even though we knew it was a little bit flawed and a little bit stringent, we were asked to adopt it anyway by the agricultural community.

MR. CARPENTER: And I ask, who was it that inserted the language at and from a single operation because I know that did not come from agriculture or from the ag advisory committee.

SUPERVISOR RUSSELL: The agricultural processing, it is right here. That was adopted, it was noticed April 11, we got a lot of comment on it and it was adopted April 25. Those definitions weren't drafted by the Town Board, they were drafted by the Ag Advisory Committee. That language? That was part of the Ag Advisory's, they came to us at a work session. This was....really? You were at the work session, you were at the hearing. I suggested tabling it.

UNIDENTIFIED: The Ag Advisory Committee as a whole was against that provision.

SUPERVISOR RUSSELL: Then why did they ask me to adopt it? At the public hearing, I was asked to adopt it. Ag Advisory members, you really need to jump in here.

COUNCILWOMAN DOHERTY: Whoever speaks, you need to come up to the mic and state your name.

SUPERVISOR RUSSELL: I am being disrespectful, frankly you have the right to speak. I shouldn't be arguing every little point, I will concede that.

COUNCILMAN GHOSIO: Before we move on to other people...

MR. CARPENTER: Thank you for the opportunity to present and we do want to work with you.

COUNCILMAN GHOSIO: I have a question for you, you said that you feel intimidated, what do you mean by that?

MR. CARPENTER: Yes, I have spoken to many farmers in the Town of Southold and I have asked and encouraged many more people than are here tonight to come and people have told me, they are afraid to speak out for fear of repercussions.

COUNCILMAN GHOSIO: Such as?

MR. CARPENTER: Such as if they decide to put a proposal to the ZBA or the Planning Board or any other Board within the town that their application will be delayed, denied or not moved forward for whatever reason. I have no facts to substantiate that but the fear is there and you should know about it. People shouldn't be afraid to speak out and they shouldn't be afraid of intimidation by anybody and if that is a concern of the farming community, I would ask you as the Town Board to please address that because you are a good town board and that kind of fear shouldn't be there in the community.

COUNCILMAN GHOSIO: I am glad because I was trying to get to the crux of that matter because I didn't like the way that that came across because I didn't understand it.

MR. CARPENTER: Sure.

COUNCILMAN GHOSIO: Well, I just heard somebody say you are intimidating us right now. I have just been listening so I don't feel like I am intimidating anybody, so that's why I asked. I wanted to know where that was coming from.

MR. CARPENTER: Sure. And I remain available to answer any more questions tonight or afterwards. Thank you.

CHRIS BAIZ: Good evening, Supervisor Russell and members of the Town Board. My name is Chris Baiz, my family and I operate a small winery and vineyard here in the east end of Southold. I am speaking to you tonight directly as the chairman of the Southold Town Agricultural Advisory Committee. Several of the committee people are here, on our committee are Karen Rivara, Lou Carrocciolo, John Sepenoski, Tom Stevenson, Jim Glover, Mark VanBourgondien and I knew I was going to forget someone, Doug Cooper. How could I forget Coops. Did I get everybody? We also have as our town board liaison Mr. Bill Ruland who has given us very good counsel. I also want to thank the Town Board over the last five years, to allow us access to the town attorneys both Martin Finnegan in the past and Bill Duffy in the present, both have been very helpful in helping us craft legislation. I realized once I was given the assignment to chair the agricultural advisory committee that one of the things we need, we needed to think about is drafting proposed legislation for agriculture and there's a lot more to go than what we have got so far but the most important thing is getting the words on the paper and then I bring them to the ag advisory committee and they shred it for me until we can get it reduced to a manageable accurate set of definitions, set of permitted uses, and as the Supervisor noted back in April, the Town Board did pass a comprehensive set of definitions for agriculture that we haven't had in the past and it was really borne out of my sense and experience and understanding that for agriculture to survive out here in what the United States Department of Agriculture has said is the most expensive farm land in the United States of America to operate on that you don't do it with broccoli or potatoes, you do it with value added finish products and the only reason my family went into the wine grape business was that was the only agricultural crop out here in the Town of Southold that was allowed to go through to a value added product. It's not that it is wine or alcohol or anything like that, it's that it is a value added product that gave us enough cash flow dollars per acre to sustain our expenses and costs so that we could continue to stay here. So on that basis, we decided to set forward and develop code that would allow all of agriculture to take those next steps forward. They don't have to be in wine, they don't have to be in any alcoholic beverage. They could be in anything else so long as they were allowed to go to a value added product at the end of the line and reap the benefit and those cash flow dollars that they would need. So, having said all of that, all you members of the Town Board know that we have a working relationship and we keep passing things back and forth of what we need to do and how we need to address the future of agriculture here on the assumption that we are going to keep 10,000 acres in agriculture for at least the next two or three generations and then it will be up to those generations to keep it going for the future. So last November 29, Wednesday evening, was our last regularly scheduled meeting of the Agricultural Advisory Committee in November. There was a quorum present, a motion was moved by Mark VanBourgondien and seconded by Doug Cooper and all members voted in the affirmative for that proposal and that was that they had asked the chairperson of the Agricultural Advisory

Committee to address the Town Board on the basis that the Agricultural Advisory Committee does not support the legislation as currently written and you know from our discussions this morning and Scott, from our meeting yesterday afternoon, Doug Cooper and you and me that we, there's obviously room to move on here. I guess one of the biggest fears as I seem to get it and I don't get it very well, my skull is pretty thick, the whole 80/20 thing, some concerns are that then becomes the ratio for all of agriculture which you know, I don't know how that works. What I have come to learn and understand is that agriculture in the Town of Southold and probably wherever else you go in the United States where it's amongst a variety of small communities such as we have here, is it's a very organic globe of bargaining and trading and horse trading and crop trading and everything else so that farmers can present for their own retail sales at their farm stands or what have you, somebody grows sweet corn better than the next guy or somebody else grows tomatoes better like Doug Cooper says he does and you know, and what do they do, I'll buy some of your tomatoes if you take some of my corn. And obviously for a few of the people in the Alcohol Farm Products Working Group, after they first went out on a couple of tours of the wineries, especially the novices on the committee who have no experience with the wineries in the past, they were really amazed at how much cooperation there was amongst wine makers and vineyard managers and various operations and you know, this is the way the whole system works and then to inject solely or 80/20 and I don't know what the right number is. At the April public hearing, Sam McCullough said let's start at 51 percent you know, he was willing to go to 75 percent. In another meeting yesterday, Doug Cooper said how about 60 percent. And you know, we are 80-60, we are this close. We are not that far apart. We are this close. And my comment at that point was how about just straight two thirds? Which is to say, your parcel produces, your 100 percent that you put through your place and then you can have another 50 percent from somewhere else, just as a starting point. I mean, one of the things with any of these products, agricultural products, is where are you going to sell it all? And certainly, we are all specialty growers because of the size of our operations. We are not 15,000 acres of soy beans in southern Illinois that is operated by one family. And so, you know, we are all these specialty products and they have limited markets. You can't sell everything and then take the rest of the year off. We are constantly working year-round. So as I have said, we would like to suggest that we keep writing the legislation, improve it. The Ag Advisory Committee has also drafted a number of different definitions that would suit the code and I thank you for your attention.

SUPERVISOR RUSSELL: Thank you.

ADAM SUPRENANT: I am Adam Suprenant, Southold, New York. Before I start, I just want to tell the Board that I am speaking as a private citizen and business owner here in Southold. I am a property owner as well. I have no connection with the LI Wine Council, either as a member or a board member, okay. I would like to just clear the air on one issue and it was something that you mentioned to me at the last Alcohol Farm Bureau, farm products meeting, that I attended some meeting with Steve Mudd and Karen Rivara I think the names came up where, let me just finish, I just want to state for the public record that I never attended a meeting where 80/20 was discussed. It never happened. I talked to Steve Mudd, I never called Karen but we were scratching our heads, trying to figure out how this got all blown up on social media. I guess according to my wife because she is my social media, facebook person, I don't even remember the password on how to log in, so I just want to tell you, I wasn't involved with that at all. Okay? Moving on to the proposed code, I totally disagree that it's better to pass a poorly conceived, poorly written and just plain bad law to take care of an issue. I think the citizens of Southold deserve better from its Town Board, okay? There's no way that you can possibly address a complex industry such as the wine industry which involves both farming and processing, like

other industries, you know, industries that make potato chips with just ten lines in the code. Okay? We, the amount of changes that Governor Cuomo has put through up in Albany has really transformed our industry, okay, and made it possible for a small operator like myself to buy a few tons of grapes, okay, and then open up a storefront in commercial zoning where retail is allowed to sell my product and make friends and build my brand. Now, my dream as a wine maker would be to own my own vineyard and I would make the best wine by growing 100 percent of the wine I made. There's no doubt about it. But some years, it's just not possible. There are things like crop failures that happen, we get hurricanes. I think anybody who has grown some backyard tomatoes knows some years you get them, some years you don't. Okay? so I think that the way I read the code as proposed, okay, it is just a really egregious, it's a way that the town is regulating what happens at a winery through zoning code. Okay? When the zoning code, I think in the zoning code, I personally think it's reasonable to have a winery operation be a bona fide agricultural operation. In the town code, that's seven acres. There's even a provision in town code for less than seven acres. These are in the definitions, okay? But somehow the town has landed on an eight acre minimum on ten acres. This doesn't make sense. This doesn't conform to where the definitions are, already existing definitions in town code. Okay? When the town has and the ag advisory committee has spent a lot of time coming up with definitions for ag processing, farm building, farm operation and other terms that were passed at the April meeting and so when the town talks about farm operations in the definition and I am going to paraphrase here, that it can be on contiguous or not contiguous parcels. Okay. Owned or rented, yet we have in another section of the definition of the proposed code and also in a definitions, that require the parcels to be owned and contiguous. So here we are experiencing direct conflict with what's being proposed and what's written in the code, okay? So what I would like to see going forward is that the town adopt in the code, I think we should have a permitted use of ag processing, okay, and that a winery is an agricultural processing facility that makes wine. That's what it does and I think Chris is working on definitions and there should be a definition for winery tasting room. That way when you go into the accessory uses or the permitted uses, you can just say you are allowed to operate a winery tasting room and everybody knows what that is. so I would encourage this town, the Town Board to table or vote down these recommendations, to go back, work on the definitions, let's, I think that the approach that you took Supervisor Russell to get the definitions about ag processing into the code is the right first step. And I think you can do the same thing with wineries and that means later on, the code is easier to write because right now you are defining winery in the use section and it's the wrong place. I just don't understand why you would define a winery in the use section and not in the definition section. I have got one more point to make, guys and then I will yield the podium. The 21st amendment of the United States Constitution repealed the 18th amendment which everybody knows is prohibition, in section two, okay, it gives the states the power to regulate the importation of alcohol. Okay. This is largely been interpreted that the state has the sole authority to regulate the sale of alcohol within its borders, okay. In the accessory use section, I believe it's c-10, there's a 20 percent, the town is allowing 20 percent of wine sales from another long island winery. I believe this part of the code would not be able to stand a challenge in a court of law, that is the town decided to defend that part of the code, it would result in a costly tax-payer battle and I would strike that part of the language from the code because it is unconstitutional. So finally, to sum up my little five minutes of fame here, I would like to thank all the people who have worked on the Ag Advisory Committee and the Alcohol Farm Products Working Group, these are volunteers, you all get paid, these people volunteer their time, okay, and work hard on these issues and I feel like they should be commended for their efforts to go above and beyond being great citizens of the town of Southold.

COURTNEY SCHAUDEL: Hi, my name is Courtney Schaudel, I have a business in Mattituck. I actually have a letter from my father who actually has three businesses in the Town of Southold. He couldn't be here tonight so he sent me with this, 'To the Southold Town Board, I am writing this note in support of the wineries because due to my work schedule, I cannot attend this meeting. Eleven years ago I came out here to open Jedediah Hawkins Inn, although the inn represented a business opportunity, it was the north fork that lured me in to the impossible situation that opening a restaurant in an extremely seasonal area provides. I didn't come out here to make a lot of money. One would have to be delusional to hold that belief. I came here to lay the groundwork for the future, for myself and my family in what I consider to be the next Napa Valley, a destination for food and wine. Next year will be my 50th year in the restaurant business and coming to the north fork is like coming to Disneyland for a chef like me. After all those years, having the chance to be around the farms, the bay and the wineries was seductive enough for me to override my business sense and tough it out but now I find myself questioning that decision. It seems as though the Town of Southold has it in for the wineries and this move is the latest example. I don't pretend to know the nuances of the law or the jurisdictions involved but I do know bias when I see it. For the town to be dictating percentages, acreage and growing seems heavy handed and outside their area of expertise. I can name 15 people who would potentially be put out of business if this goes into effect. These folks have significant investment, employees and time and effort applied here. What's to become of them? Also, what prevents the Town of Southold at some future meeting from deciding restaurants have to buy 80 percent of their produce from Southold farms? Or because of noise and traffic concerns, restaurants can no longer have more than 60 seats. We seem to be at the mercy of a few folks whose agendas just need to be clarified. I have businesses up the island and I speak to an awful lot of folks who come to visit the north fork. They always tell me, we are coming out to visit the wineries and we like to stop at one of your restaurants. Not once have I ever heard we are coming out to one of your restaurants and we would like to stop at a winery. My business, in season and off, depends heavily on the wineries. We get tourists in seasons and workers in the off-seasons. The wineries and the farms are the entity that is keeping the land preserved and the bucolic nature of the north fork intact. If at some point government regulation runs them off, that land will wind up looking like Levittown which has plenty of noise and traffic. Be careful what you wish for, ladies and gentlemen, if you kill of the golden egg goose, the dominoes will fall. Traffic and noise can be managed, vacant land and storefronts cannot. Thank you for listening. Respectfully, Tom Schaudel.'

ABRA MORAWIEC: Hi, my name is Abra Morawiec I am a resident here in Southold Town. I am also the owner and operator of Feisty Acres Farm in Jamesport. The last time I met you Mr. Supervisor, you had come down to my farm for a final bobwhite quail release in support of Girl Scout troop 1971 in Mattituck. I would like to thank you for showing up, that meant very much to the young girls and it meant very much to me and I also know that it meant very much to them to have a positive experience with a small farmer involved in the agricultural community here. I stand here in front of you and also the councilmen and women of the board, however, as a member of slow food east end, I am the co-chair of the agricultural outreach committee. I would like to submit a letter I had written to the Town Board, if it is possible. I know that it is very late and I very much apologize for it tardiness but I have copies for everybody. Before I begin with the letter I would just like to tell you a little about myself. You can probably tell by my name I am not from around here, my family lives in Brooklyn and I began Feisty Acres with my partner in 2015. I am a small farm now, we lease about seven acres and that's all we can afford right now. We are hoping to be able to expand within the following season. I would not be able to operate my farm business if I had to own those seven acres. I would not be able to operate my

farm business if I had to own 10 acres or 5 acres, it doesn't matter. I am a first career farmer, I don't come from a second career where I made a couple hundred thousand dollars and I am looking to invest it. I like to tell people of how I started Feisty Acres with \$11,000 and some really good relationships and mentors, farming mentors, out here who are also small farmers. But let's get on to slow food and what we think it's about, 'Slow Food East End is a dynamic chapter of Slow Food USA, part of the international Slow Food movement that promotes food that's good for us, good for our environment and good for the people who grow, pick and prepare it. We are fortunate to be located in an area where Slow Food principles of 'good, clean and fair food for all' are lived by our neighbors: farms, dairies, wineries, cheesemakers, artisanal food producers, fishers, beekeepers and more. Agriculture has long been and continues to be a unifying feature of our community. It is of great concern about the proposed zoning changes regarding wineries that legislation did not go before the Ag Advisory Committee before being drafted. It is also of great concern that agricultural entrepreneurs will be extremely limited in how they can gain a foot-hold in our thriving and ever changing town. This change to the code would make it very difficult and prohibitive for young farm businesses to walk before they run. Rather than having the option to start slowly, by leasing a small piece of land with minimal investment risk, farmers will be forced to purchase a minimum of ten acres. This single qualification alone would put a halt on new and growing farm businesses, stripping away any opportunity to grow and add value to their neighborhood. In short, small farms would continue to fade from the horizon. Without the opportunity to lease land and forge a foundation, many young and beginning farmers who are currently here would not exist in the capacity they do today, if at all. There are families who have been living and working the land here for generations, but there is also a great renewed interest among young and beginning farmers to create a life and build viable farm businesses. These new farmers need support and flexibility from their local townships and governments, not barriers. Many of them cannot afford to purchase land but opt to lease land instead, especially in a region of the country where land prices are at a premium, such as our north fork. To farm, whether one raises livestock, grows grapes or harvests shellfish from the bay, is a difficult livelihood. Yet the presence of these men and women in our day to day lives enriches our agricultural community and heritage. Their enterprises creates jobs for our sons and daughters, bring in tax revenue and add to the natural beauty of our home. The farm community, of which Slow Food East End is a part, is united against this proposed legislation. In order for us to provide 'good, clean, fair food for all' we choose to stand behind our agricultural families and friends.' Thank you very much.

RUSSELL HEARN: My name is Russell Hearn, four of us own a 20 acre farm in Mattituck. We just planted two vineyards, I was the founding partner of premium wine group 18 years ago. I have lived and worked on the north fork for 27 years. I am a Cutchogue resident. I am going to talk less about code but I want to go back to where Steve first started. This is the whole question. It was about sort of education, ideas and thought processes going into this and the board asked for ideas and suggestions. We are talking about the AC areas so we are talking about the agriculture areas of the north fork and I think that the town has always been pro-agriculture. On the town code there are several stated goals and I will read a couple. Being conscious of the challenges of agriculture due to the high cost of land and the outside competitiveness. Grow local, buy local is a win-win for all involved. Stimulating partnerships of owners of fallow land with young growers from a leasing standpoint. These are all stated on the website for the town code, the Town Board. Throughout the world, every wine region is made up of growers and wineries. There are very few, I think Burgundy is probably the only region that I can think of in France is predominately, you grow what you make. On Long Island, in our region, there are 22 independent growers. Steve put his hand up at the beginning of

meeting as one. There are 20 of the 56 wineries that do not grow grapes. So those 22 growers sell to wineries that do not grow grapes. Twenty do not grow grapes. Thirty six wineries in the definition if you will, that grow and produce their own fruit. But I would venture to say that of those 36 wineries, there are very few that grow 100 percent and probably very few grow 80 percent. Starting a winery in the old days, if you will, you would plant a vineyard or you buy land year one, you would plant year two. It would take three or four years for you to come on line so by time you have got your first bottle of wine for sale you are at least six years in. We talked about the economic burdens inside of that, so what wineries have done in the past is they have bought land, they planted vineyards and while those three or four acres, three or four years of production are coming into production, they have gone ahead and bought grapes from other growers and other wineries, produced wine and that has allowed them to jump start their business and obviously pay for the, help pay for some of the huge capital investment. This code, this proposed code would not allow something like that. Another example would be and Louisa talked about it very briefly as well as Adam, is a hurricane. We had a spring frost, we had mother nature issues throughout the growing season. A winery that is in conformity of maybe growing 20 acres of vineyards, making 60 tons worth of wine, all of a sudden has 5 tons or 8 tons because their crop was wiped out from frost or from damage. The town, this proposed code would only allow them to buy 20 percent additional, as opposed to having 60 tons worth of production, they might only have 10 tons worth of production from their own vineyard, buy two tons more, they are a fifth of production. What's going to happen? They are going to be laying off personnel and probably out of business before their next crop or maybe two years down the road has come on line. So there has to be much more flexibility when it comes to buying and selling. Another example of a winery within the township of Southold, has 200 acres of land, produces maybe 300 tons of their own production themselves and sells 300 tons to other wineries. Another winery that is outside the township of Southold, we are only talking about Southold but this could always happen in the future, grows about 180 tons themselves and buys over 700 tons of fruit. The net of what we are talking about tonight and hopefully in the future is agriculture in the township of Southold. That's 1200 tons, that's 400 acres of agricultural land in the township of Southold. Under the proposed goal, that model would not be possible. If you were to say 85 percent of the fruit needs to come from the north fork appellation, I am not proposing any code change but we are already doing that. The number one driver of our bottle price is our appellation. You put North Fork of Long Island on there, you could if the quality allows, \$30, \$40, \$50 a bottle. Put New York State on that bottle, you are getting \$15 a bottle. No matter, even if the quality is the same. So we are already protecting the industry by what we do anyway, and lastly, again I am trying to stay away from code because I think when you are talking about traffic and noise, that's other things but this is more production and where we are growing and how we are growing, I would like to give one more example, there is a winery currently in the township of Southold that grows 26 acres of their own fruit, they produce it all into their own production over the years. To my knowledge they haven't bought a grape from anyone else in the last 20 plus years, they don't buy and resell anyone else's bottled wine, so they would be 100 percent compliant with this new proposed code. That winery is Vineyard 48. Thank you very much.

SUPERVISOR RUSSELL: That's a good point but let me point out, every winery within the Town of Southold is compliant with the code because they are not impacted by this new proposal. The existing wineries, this has no bearing on existing operations, it would only be for new.

MR. HEARN: I suppose one last point if I may? This would set up a completely uneven playing

field for future wineries to try to get into the business versus existing wineries. I think that is a, I don't know the legal ramifications of that but I cannot believe that is the goal of the Town Board.

SUPERVISOR RUSSELL: Fair enough.

DOUG COOPER: Good evening, ladies and gentlemen. My name is Doug Cooper, Mattituck farmer. The, it seems to me that what we are facing tonight is fear. Fear perhaps on your part because of changes taking place, fear on our part because we are not sure that we will not be allowed to have changes that we need to continue. So let's try and get beyond this fear. In this proposed code, I strongly agree with those that are talking about the necessity of owing 10 acres or 12 acres if you are going to have buildings when the land can be rented, much more efficiently, much less costly. The need for, the prohibition of small wineries or small outlets like that, I think is excessive. Let's work together and come up with some better code and ideas. I have the greatest respect for you guys, you ladies and gentlemen, I know you, we have been around a long time. I think we can all be reasonable and work together. The one thing I am disappointed with is that this proposed code did not go to the Ag Advisory Committee. I wish it had. Perhaps a lot of this would have been settled there and worked out. But I understand the ways things went. Having farmed, our family has been here 200 years or more, what it has shown, when I look back and see is change. That's the one constant in agriculture is change and it's going to take place. What was here 30 years ago is not here today and won't be here 30 years from today, what's here today. And that's what we have to embrace and that's what we are asking for, is the ability to have change and deal with it. Thank you.

SUPERVISOR RUSSELL: Thank you, Doug. I am going to let him go.

MARCUS ROBERO: My name is Marcus Robero, craftmaster hops, 20 acres in Mattituck of hops. I just wanted to say to the proposed legislation, I don't agree with it. Once you start regulating one part of agriculture, what's to stop you from regulating, potatoes, hops, breweries, distilleries, grain, where do you draw the line? This is more of a question for the board.

SUPERVISOR RUSSELL: Do you want me to answer?

MR. ROBERO: Yes.

SUPERVISOR RUSSELL: You have raised an excellent point and this is the irony to all of this. The rest of the ag segments are regulated much more heavily. The farm stand code, even if these plans or these amendments are adopted, the farm stand code is still far stricter. And the fact of the matter is, that farm stand code was drafted by people from the Ag Advisory Committee and the Town Board and it's far stricter and you all know it is. On top of that, they had concerns that maybe some people were doing end run around the farm stand code by not asking us to create a license to make people come in annually to prove that they are adhering to that code. Every segment of the ag industry has to live within certain parameters. Fair or not, there's parameters in terms of the focus in the, I am sorry, it's a long answer but you gave me the opportunity. The parameters and the whole focus of the agricultural conservation zone is to promote production, promote agriculture and this was based on that, the production, there's three components, there's production, processing and sales and I am just talking about from the zoning perspective. The idea was, well, I will talk about it later as to why I thought there was some necessity to address the issue.

MR. ROBERO: So then the other part would be what makes 80 percent the right number?

SUPERVISOR RUSSELL: That's a good question. Actually, when we originally talked about the farm processing facilities we had the hearing that night and I thought that we needed to revisit the 100 percent that was in there and the state more or less looks, you know, 100 percent of what you're processing from the sole farm operation. I thought that was, we thought that was restrictive and we said maybe we need to revisit that and I can tell you specifically who stood up, Sam McCullough said 51 but it's got to be more, maybe 75. Chris Baiz said 75. The lady representing the Farm Bureau said 60 based on the farm stand code. So all those numbers were swirling around. At the end of that hearing, rather than have us table and then revise, re-notice and re-hear it, they said just pass it, we will work out the kinks later. That's right now the current code for all of agriculture but for wineries was 100 percent, we got the 80 and I am sorry, Adam, I know you don't remember a meeting, I don't know, I never said Steve was there. I thought you were there but I am not sure but I remember a meeting when we went around and the 80 percent seemed feasible because I had just talked to Marty Sidor earlier that day in anticipation of that discussion that night. If 80 percent, fine, but then I am getting 75, I am getting 60. We are not running an auction here. Give me an idea.

UNIDENTIFIED: Inaudible comment from audience.

SUPERVISOR RUSSELL: Again, I am going to mention again, you know, you are banging us for a code that's been around for over 20 years. When I talked to the committee, I said look, the full service winery, the tasting room, all that, it's the 10, we have got to figure out if it's a winery or not. For the smaller scale, they present a couple of unique challenges so let's cull them out, and address them separately. We never said we wouldn't allow them, we just said we need to treat them a little bit, you know because there's an intense use that can go on so we need to make sure there's more safeguards in those, particularly on smaller parcels that can be nestled a little bit more closer to the communities and we wanted to see safeguards in place. It's a little bit more problematic so we need to do it a little more thoroughly and you know, with the recognition that we don't want them making the wine there or anything like that unless they really wanted to.

MR. ROBERO: Okay, thank you.

DUNCAN KENNEDY: Duncan Kennedy from the village of Jamesport. My apologies, I have a bit of a sore throat. Tonight I am coming from, I have two statements I want to read, one is from Discover Long Island which was formerly known as Long Island Visitors and Convention Bureau, who are Long Islands official tourism promotion council. This is a letter written by Kristen (inaudible), president. 'To whom it may concern, This letter is to certify support from Discover Long Island, the islands official tourism promotion agency of our regions indispensable wine industry and all endeavors to allow vintners and vineyards to flourish in a responsible manner on the north fork of Long Island. Long Island wine country is a lynch pin for Long Islands \$5.6 billion annual tourism industry which supports over 100,000 jobs across the Island and generates almost \$700 million in state and local taxes each year. What started on the north fork over 40 years ago as only a few planted vines has developed into a thriving industry that has rightly entered the world stage for award winning wines and vineyards. With numerous accolades such as being rated one of the top ten regions of the world by Wine Enthusiast magazine, the north fork is now challenging competitive destinations such as Napa Valley and similar (inaudible) for wine tourism. in 2016 a visitor study conducted by RUF strategic on

behalf of Discover Long Island, 34 percent of respondents that had participated in the wine tasting activity as part of their Long Island vacation. Additionally, 32 percent of respondents chose wine country as an area visited during their stay. This is a clear indicator of the strength and reputation of the north fork's vineyards and its ability to drive economic benefit to the area. Discover Long Island encourages all means to protect this vital industry that keeps the regions agricultural beauty alive, drives a year round tourism economy and gives the north fork a world-wide recognition for exceptional products.' The second thing that I have is actually from the North Fork Promotion Council which I took over at the beginning of the summer and which is a not for profit tourism agency that promotes the north fork to visitors. Tonight we wanted to express support for the agricultural industry and its owners and operators who drive a significant portion of tourism dollars to this region. It is our experience that visitors arrive to this destination primarily because of agricultural output. Things have changed drastically. Visitors experience taste and flavors of the north fork in a variety of ways and establishments. These include but are not limited to wineries, dining establishments whether they be casual or formal, farms, farm stands, craft beverage producers and retail. And by extension of just visiting these places, they go to other places. They take advantage of galleries, attractions, beaches, parks and such and so on. They round out the north fork experience with other parts of what we have to offer here. It's not always just about wine. We are also noticing a trend with visitor stays on the north fork, we are seeing the guests length of stay shortening but we also see an increase in visitors so what that means is people are coming and staying less or see more people coming staying for less time. That is good news. The north fork has developed into a region rich with many wonderful attributes and attractions, many of which now are sustained by the agricultural tourism. Our region is also attracting an influx of young people, young business people, Abra is an example here, who see thriving entrepreneurial spirit in this region and want to start new businesses in a variety of fields, most importantly, that is agriculture. If I may though, I would like to pin it to my own personal experience, most of you who have met already know that I am fairly new to this region, however have been a visitor to this region for over 12 years. (Inaudible) from the outside and for many, many years I noticed the growth, noticed the potential and I include myself as one of those entrepreneurial arrivee's who had decided to purchase a business here. I saw the entrepreneur, I saw the collaboration, I saw what was becoming a very successful region. I invested real dollars in a property, I took it from a very weird and unusual past to a standard of living and a standard of accommodation that befits tourists today. I have created jobs, I have enabled people to stay in this region. I use local businesses and services wherever possible. The spirit of cooperation and collaboration between these small businesses out here is quite outstanding and something I haven't really seen in my corporate world previously. It is truly refreshing to feel that and live that out here and we are not only making a living for ourselves but making a living for other people. We have to ensure that this region grows thoughtfully and remains economically viable for future generations. In short, collectively we are very successful region, desired by many. I urge you, Southold Town Board, not to vote on this tonight and if you do, please vote no. Thank you.

BOB VANBOURGONDIEN: Good evening, Supervisor Russell and Town Board members. Robert VanBourgondien. I am speaking on behalf of myself, a greenhouse operation in Peconic. Most people here tonight have taken target practice at this document. I wasn't going to take it as big a hit on this but I decided I am going to do it anyway. In your purpose, you state that, you are promoting that you are going to protect the quality of life in Southold by promoting wineries and other forms of agri-tourism. I don't see anywhere in this document that there is a seque in the rest of it to any of those three purposes. Okay, in permitted uses both A and B are restrictions to young entrepreneurs, of which I see quite a few probably under 40 here which I

am really, really happy to see because they are the future of Southold. When we are talking about 10 acres of vineyard, suppose somebody wants to put blueberries in their wine. Can they have nine acres of vineyard and one acre of blueberries? Other thing is, you have in here, owned by the winery owner. How about rented, lease or contracted? What also needs clarification is the bulk schedule, purpose and proposed uses, you need to clarify what the other, what are the intentions with more than one use in this document. Very unclear. Secondly, it says 100 feet from a major road. What's a major road in Southold? Are we talking 48 or 25? Or Bayview?

SUPERVISOR RUSSELL: That's been the code since....

MR. VANBOURGONDIEN: But what is the definition of a major road?

SUPERVISOR RUSSELL: That would be, I would have to assume...

MR. VANBOURGONDIEN: Assume, okay, you know the definition.

SUPERVISOR RUSSELL: Well, I didn't craft the, I think I was in college at George Washington University when that was crafted.

MR. VANBOURGONDIEN: Let the committee recommend the accessory uses which I think are just a bunch of blabber. Last I want to say is, the last time the Town Board tried to restrict agriculture was with greenhouse restrictions in five acre zoning. Most of you remember the outcome of those two (inaudible)...

SUPERVISOR RUSSELL: Inaudible.

UNIDENTIFIED: Inaudible comments from audience.

MR. VANBOURGONDIEN: Well, greenhouses they wanted to restrict where they could be placed on the property and the size limit on a piece of property which would have made my greenhouse 3,000 feet long and 50 feet wide. Totally, you know, obnoxious restriction. Screening from the neighbors, screen from residential areas that we were going to get, stuff like that. Basically, the other would have been five acre zoning which would have taken away our equity and being able to borrow and that's basically 17-18 years ago, I was up here as I am right now, saying the same thing. So I ask that you vote no tonight on the local law amendment to chapter 280. Let your reported working groups and ag advisory committee move forward and lastly I would like to say the members of both committees understand agriculture, what agriculture is, that makes this town so special. They live and work here too. The next generation will need all the help from town hall to succeed from expedited Building Department, Planning Board, ZBA, Town Board to succeed in the agricultural world of tomorrow. I would like to finish by wishing everybody a merry Christmas.

SUPERVISOR RUSSELL: Thank you. I am sorry but you did bring up three issues that I wanted to address. First of all, the Town Board had proposed moving greenhouses 300 feet back from a major road. I opposed it, I came to the Town Board when I was an assessor and spoke on your behalf, I used the winery standard which was 100 feet at the time to say why are you treating greenhouse operators more strictly? As the supervisor proposed and we passed regulations that tripled the amount of lot coverage you were allowed on a lot because it was far too restrictive before. Sixty percent from 20.

UNIDENTIFIED: Inaudible comment from audience.

SUPERVISOR RUSSELL: What's that? Did we get to the 60 yet Chris?

MR. BAIZ: Inaudible.

SUPERVISOR RUSSELL: But I, you know I was supporting it 100 percent. And also I was vehemently against the five acre zoning, at the time very much (inaudible) my leadership in those days but it was a fight worth fighting.

IAN VANBOURGONDIEN: Good evening, members of the Southold Town Board and what looks like the rest of Southold Town. My name is Ian VanBourgondien, I am a fourth generation farmer, born and raised in Southold. I am currently a resident of this town and I am a member of the Alcohol, Farm Products Working Group. I am here to speak from three different perspectives very briefly. The first is as a member of the Alcohol Farm Products Working Group. I would like to state that because there has been a lot of confusion on the matter and to reiterate what Louisa Hargrave said, that the Alcohol Farm Products Working Group did not write or suggest the amendments to chapter 280 Wineries being discussed tonight at this hearing and that we are continuing on working on recommendations to the Town Board. Next I would like to speak as a young farmer in this town. I have serious concerns over proposed amendments to the town code that were noticed on November 8, 2017. Mainly my concern is on restrictions on how wine should be made from grapes of which at least 80 percent are grown on the premise or other land owned by the winery owner. My concern is also regarding further provisions stating that a winery must be on a parcel owned by the winery owner. If the code amendments are adopted as proposed, it would create a very limiting environment for agriculture to operate in and as well, set a precedent of restriction and exclusion. While these restrictions are limiting for those already in the wine industry, they especially exclude those that are just starting out. Young and beginning farmers do not have the resources to buy large amounts of land nor can they afford the risk. I worry that the natural succession of young people into the industries in this town of which agriculture is the number three industry, will be impeded. Please consider the ramifications of these proposed amendments to the town code and any subsequent changes to other parts of the code and how they will have the ability to either inhibit or allow the next generation of farmers in their ability to integrate into our local economy. Lastly I would like to speak as a resident of Southold Town. I am always impressed by the zeal of our community when it comes to local affairs. Everyone here has come out because they believe something worthy of their time and attention is happening and they need to be involved on some level. I believe it is cooperation and discourse that will keep us moving forward. There are many new and complex issues facing our town but in turn, these require new ideas and solutions that can make the issues simple yet again. I think this is the direction we need to head in. One of creative and unique solutions that allow agriculture to remain as a healthy and vital part of our community that simultaneously aids in preserving our rural way of life. Thank you for your time and as a farmer, resident and town volunteer, I will continue to offer my aid in addressing the issues at hand facing agriculture in our town. Thank you.

SUPERVISOR RUSSELL: Thank you.

GAIL WICKHAM: Good evening, Gail Wickham from Cutchogue. I will try to be brief but the end result is that I hope tonight you will either vote against this proposal or withdraw it rather

than table it to get it towards the, and try to lurch it along to the finish line, there are just too many changes that I think people have expressed. I think you were trying to put a quick fix on perhaps the 10 acre definition which has the other agriculture language in it. Personally coming into this meeting, I didn't think that was necessarily a bad thing, I thought that might be good. Hearing some of the other comments tonight, I understand a little bit better why that may or may not be such a great idea at this time but certainly I do think there is a value to requiring at least some viable farming base in order to have a winery in the districts but it has to address exceptions like micro-wineries, time frames like start up business issues and other things and the whole ownership thing has to be addressed really carefully, not just in terms of the way Ian described, but also very often from a technical standpoint, the winery owner may be different than the actual entity that owns the land even though they are related. So those are things that have to be fine-tuned but the problem I think zeroes in on the ownership restriction and the 80/20 and I think that's why most people here are in such a tailspin. With that ownership language tacked in to, wine from 80 percent of grapes grown on this site or other land owned by the winery owner and I think you have heard tonight, farmers don't operate that way, they don't farm that way. They either own the land and tend their crops but they often buy their product, they lease it, they custom crush in some respects so they don't have to build a huge winery to accommodate the grapes that they grow or they purchase and those patterns change every year depending on weather and marketing which are two most important factors in a farming operation. And so the 80 percent owner requirement, well, it's crushing basically. And it's not, as I read this, it's not Southold Town friendly unless I am reading it wrong an owner who has a huge acreage, somewhere else in the country or the world could ship in grapes and on their 10 acre farm, make wine and sell it here. I may be reading that wrong but I think that's an oversight that needs to be addressed. Completely ignores the benefits to the town of local produce, New York produce and custom crush facilities. So those are things I think you have to take a much better look at. the other thing that I have to object to the way the purpose clause and the title of this legislation is worded and that is usually something that people brush over but I may be reading more into it than I should but it looks to me as almost a change in attitude towards farming on the part of the town. Its' entitled regulations for wineries in residential districts. And I don't know, well, you have to balance residential versus agriculture, there's always that tussle but certainly at least in an AC zone, we want to focus on farming and balance residences around farming and around the concerns that are generated by them and I don't, I think as you read down this code provision it certainly doesn't do that. I mean, we have to keep reminding ourselves as many people have tonight, that it's the farming that has allowed the town to remain open, beautiful, sustain our local businesses and our small local businesses most importantly. Create employment, attract a tremendous economy. The housing has pushed in, I don't think we have begun to see the push we are going to have on housing but it's really the farms in large part that have softened the blow of us becoming a mediocre suburbia and so we really have to focus on how can agriculture be more sustainable for existing farms, new farms and whatnot and let that, that consequence produce the open space and the way we want to live. I want to just answer the question about a major road, the ZBA defined a major road this year as the Main Road, Route 25 and Route 48 requiring 100 foot setback. That means that on the other roads most likely you would need a 60 foot setback. So I would urge you to, revision of the winery code is very complex, the committee has been working very hard, it needs more input from other people and maybe this will help promote that. it's going to take time and I hope that that can happen with a logical discourse over the next few months. Thank you.

SUPERVISOR RUSSELL: Thank you.

MARK VANBOURGONDIEN: Good evening, I am Mark VanBourgondien, I am part of the agricultural community out here, we have a greenhouse in Peconic. Thank you to the Town Board for hearing us tonight. I just want to make a few comments. Agriculture right at the moment seems to be blamed for most of the issues in Southold Town. It comes up numerous times. The agricultural community is a valuable part to this town and gives Southold its rural characteristic. It is essential for the agricultural businesses to be able to capture the retail dollar in today's markets. Especially for new startups. These small startups need the ability to change and adapt and leasing land is a major component of it. If the agricultural environment and they are not allowed to change and adopt, it will fade away and once it fades away, it will be replaced by subdivisions or McMansions. Things will change in the next 30 years, just as they have changed before. Doug Cooper said it perfectly. The only constant in agriculture is change. We have had to adapt over almost, we are going almost 90 years on business. We have had to adapt and change constantly and that's the one thing that stays the same. With this legislation, that does not allow for change. And I ask you tonight to vote no for this proposal.

BILL SADEK: I am Bill Sadek. Thank you for the opportunity to speak before you. I was asked by some of the winery owners and managers to speak today and I would like to give just a little bit of history, very quickly, because I know it's late. The agricultural districts law was being proposed in the early 70's. It was written off for Long Island, there was a meeting at Polish Hall and everybody agreed, it doesn't pertain to Long Island, we are way beyond that. The ag districts law is not going to help us on Long Island. Southold Town had the first ag district a couple of years later. County Executive Klein put together a committee and came up with purchase of development rights so that the county would buy development rights from land owners, farmers and they could continue to farm. That's really what attracted, when Hargraves came out, I had the opportunity and the pleasure of being the fruit specialist in working with the grape growers and I always told Louisa and Alex, if you learn from your mistakes, I must be pretty smart because we made a lot of mistakes early but look at what happened with the industry. It grew and it grew in Southold. Southold was the first town to buy development rights other than the county. Other Towns caught on later. So Southold really promoted agriculture and did really well with the grape and wine industry. When I read this proposal, things that really occurred to me first was, number one, owned land. When the ag district was being debated and also the PDR was being debated, it was determined that over 60 percent of the farmland was owned by someone other than the farmer farming it. It might be owned by the former farmer who retired and he is renting it to someone else or it could be placed in an estate in an S or a C corp. It could be, it may be owned by the family and rented back to the farmer who is managing it now. So it is owned by someone other than a farmer. In this particular case, you are requiring that that person own it and show title to it. That may not be the case, as they pointed out. I think Steve Mudd and a few others pointed out. It could be rented, it could be leased, but it also could be an agreement with the family that owns the land but the vineyard, winery manager may not. So just keep that in mind. Southold was the leader in the evolution of agriculture. People in other towns envy us. I live here, too. But let's not ruin it by having restrictions placed on new and enterprising businesses that come here to develop. Hargraves started very small. How many acres did you have? Sixty six early on and that was big at the time. How many did you plant the first year? Okay. So you start small. And a couple of the varieties you had to take out. The other thing, one of the winery, (inaudible) because I make a little bit of homemade wine, that's one reason why I am interested in speaking tonight. But the winery, the wine makers often barter back and forth with other producers because they may have all reds one year and you know they need some chardonnay, they need some Reisling or whatever, so they like to have a variety and they get it from their neighbors, in exchange that

way. Farmers, I always loved working out here because farmers always cooperated with each other. I still have a lot of friends, I feel welcome almost everywhere I go because I worked with a lot of these people. They are honest, good, hard-working people. And let's keep it going, Southold has the opportunity to remain as the leader in the evolution of agriculture, I think some of these restrictions ought to be looked at and re-worked that you are talking about. Thank you for the opportunity to speak.

SUPERVISOR RUSSELL: I do want to say that Bill, you were an excellent mentor when I became an assessor, I ended up having to know a lot more about agriculture than just working on the farms and you were always very gracious with your information and your guidance and I want to thank you for those years that I was there.

DANIELLE LASCALA: Good evening everybody, my name is Danielle LaScala and I own Matituck Florist. And I am also the Mattituck Chamber president. And speaking from myself personally as well as many of my members, for retail standpoint, tourism is a huge part of our income. And we rely a lot on that and I understand that things are changing and sometimes going along with the change, not everybody is comfortable with that but I think if you take the time and really think about what you are hearing from all of us today you will come up with a reasonable decision. I have faith in that. So thank you very much for your time.

SUPERVISOR RUSSELL: Thank you.

DEDE THOMAS: My name is Dede Thomas and I live in Orient but I was asked to come and read a letter written by Peter Carroll who owns the Lenz winery. A winery that has been out here since 1978, my little, even though I am an English major but I can do a little bit of math, means we are almost 40 years old. 'Dear Town Board members, I think I understand the purpose of the proposed revisions to chapter 280 but I am concerned that these revisions will not be effective in addressing the underlying concerns. Moreover, they appear to introduce sever potential market distortions to the grape growing and wine making businesses that the drafters may not have considered. These distortions will harm various operations that are not part of the problem. for example, there are multiple wineries and numerous vineyards on the north fork, many wineries like Lenz grow all their own grapes, so the majority of wines they produce and sell are made from their own grapes grown in their own vineyards but wineries occasionally buy and sell grapes between themselves. One may have plenty of chardonnay and another plenty of sauvignon blanc, they each sell the other 10 tons of grapes. Under these circumstances, they could both now fall foul of the new wording. Forbidding this kind of exchange does nothing to address the underlying issues of the drafters. Similarly, as new vineyards are established, it is common practice to seek custom wine making services from established producers prior to the new vineyard winery investing in its own production capacity. Imagine a winery with 30 to 35 acres of vines being asked by a new vineyard winery to make wine from grapes grown on their own 10 acre parcel. Both wineries would now seem to be in breach of the 80 percent rule and yet it's hard to imagine the motivation for the rule is to stop this kind of arrangement. I believe the proposed revisions can be substantially improved by way of thoughtful consideration of these and other situations. I suggest the Board withdraws the current proposal and works with the industry, by which I do not mean just the Long Island Wine Council to establish changes that address the towns underlying concerns without creating unintended market distortions. Sincerely, Peter Carroll'

SUPERVISOR RUSSELL: Thank you.

STEVEN SCANARDO: Hello, Board. My name is Steven Scanardo. 2017 was my first year growing grapes commercially. I have been doing custom work on the side and what I really want to impress on you guys is just the insane risk, I know numbers have been touched upon by others but I mean, I knew what I was getting myself into and we had a good vintage but this new law, if it were to pass, would tip the scales and I would have to back away from my commercial farming enterprise. The risk would be too much. It would limit the number of growers I could work with and one of the things I am really thankful for and the only reason I would go back is the industry here that was really, really supportive. I thought I would just charge in and do my work and leave but I had a lot of really good people behind me. If this goes through, the amount that people could work together and the amount of support I could have, whether it's bartering or helping other people out would be severely limited. So just consider that. I don't have deep pockets. Everything that I did this year came from my own pockets. And it just made it difficult but this would tip the scales where I would have to walk away from my commercial farming enterprises.

COUNCILMAN GHOSIO: How many acres are you growing?

MR. SCANARDO: Nine.

COUNCILMAN GHOSIO: Nine acres?

MR. SCANARDO: Yes. So it's enough for me to manage myself but you know, economy is a scale game and that would severely limit what I could do.

SUPERVISOR RUSSELL: Thank you.

MR. KENNEDY: If I could just make one more comment related to that, please? So I guess another hat that I wear, I am the part-owner and wine maker for Lieb Cellars, Lieb owns 42 acres of vineyards, about 55 acres of land but 42 acres of vineyards up on Oregon Road, we also lease additional 42 more acres from what was Peconic Bay Vineyards across from King Kullen as well as Oregon Road. Obviously we are grandfathered in on this but let's say we fast forward and let's say Peconic Bay was still in business and this was in code, they went out of business. Those 42 acres would be very unsightly, overgrown, fallow and we have lost 42 more acres of open agriculture. So I think the ownership rule was one of the kickers, we have to try to look beyond.

SUPERVISOR RUSSELL: Thank you.

KATHERINE SEPENOSKI: Katherine Sepenoski, farmer in East Marion, Sep's farm. This is my husband Peter Sepenoski. I thank the members of the Board for the ability to speak as is my constitutional right, without fear of retaliation, correct? Unfortunately I had to be reminded of that at a meeting so that I would stand up and speak as a farmer. I wore the jacket I had on at the polling place located at the East Marion fire house, so that I voted this year. After I cast my vote, a privilege I hold dear as an American, especially this year 2017, celebrating 100 years of my hard won right by other pioneering women to vote. Jeri Woodhouse affixed my sticker to my jacket and my husbands. I respect Louisa as a pioneer in the industry as well, thank you. Next time the Board members will not have success and that will largely depend on tonight's outcome. With respect, withdrawing the proposed legislation or voting it down is what we would hope you

would do this evening. Bad legislation, like the development on Rocky Point Road, killed that land as agriculture forever. The dental plan that went in of four houses and then wasting how many acres in between?

UNIDENTIFIED: Thirty acres total.

MS. SEPENOSKI: Between every single one. And I hear the refrain from this town is, just because we made a mistake in the past, doesn't mean we are going to make it again. Usually that is at my detriment, hopefully, that will be to my benefit this time. that you will not make the mistake. Some of you know me and I know something about you. One of you shared a meal, including vegetables, at a church barbecue this summer. One of you collected a \$30 payment for a tire tube I left next to a tree stump in your farm yard. One of you played in the pit band while I worked backstage during a high school play for my children and their high school peers. One of you even presented my son a prestigious award and encouraged him to make high achievements in his studies. Two of you heard my complaint about intimidation at an agriculture meeting and three of you know how my family, my health and my livelihood have been adversely affected by speaking up for my rights. Those are only the first threads of my thoughts, threads that connect me to this community, like the quilt my grandmother made with the blue group, the Methodist Church in Greenport, she hosted these ladies at her home. The conversation about local life flowed above my head, watching their hands make those intricate stitches. Before you just assume you know me and I was just the local girl who married the local farmer who was her high school sweetheart, you need to be introduced to me. I am proud to share my rich connection to this land. My great-grandmother was not from here, she was introduced to her husband at a dance social. They decided to pioneer to the vast prairie land of Montana, big sky country. My grandmother had grit with a capital G, before her early death helping a farmer and neighbor, she instilled that early trait and trust in my grandmother. Anna Kathryn is my namesake. She trained and became a nurse, she married George Cottral, a soldier, veterinarian and scientist. They started their family and he served our country. When he returned home, he was offered a job at Plum Island Animal Disease research center. They chose to stay, build their home and raise a family. I am a Sterling baby, as is my husband Peter Sepenoski. For those of you who don't know, that means I was born in Greenport hospital. Growing up, I spent a lot of time with both of my grandparents. Our garden in the backyard had a compost pile, I was given the chore of mashing the egg shells to enrich the black earth. My grandmother kept me busy, usually outside. When my grandfather got home on the 3:00 boat from Plum Island, he gave me other chores. Working on artifacts for the Indian Museum in Southold, he was one of the most involved members. Often we took rides with my family to those fields next to the Port of Egypt fishing station in Orient, land that my grandfather Bill owned. There we were told to run about and explore but always be observant for arrowheads. The farmers often turned over when they plowed the fields. Plum Island drew many scientists from other countries. My grandparents hosted them and I was lucky to be introduced to a global community. You start to see the connections, respect the land, be a steward for the next generation and preserve history. George and Anna Cottral were also historians. George hosted a garden club at the old school house with a discussion about Oysterponds history in 1957. The Southold Historical Society has dedicated the history of Plum Island to him, for preserving the history as a template for them to follow in writing the book. Grit is in my veins, Anna, the daughter of a pioneer, gives me courage and passion for what I hold dear. Family and the land we work. Make no mistake, it is work but it is an enriching life to be a farmer in paradise. When I am challenged, I could chose flight like our local deer or a might elk from Montana. Instead, when my family, my life's work with my husband and other peers who don't work this land, I fight. Like a grizzly bear in Montana, I will

protect my rights, my family and my livelihood. The legislation you propose will forever alter this community negatively. No matter a grape, a turnip, a hop, an ear of corn, we are agriculture and we demand that this Board defend all farmers. A farmer helps a farmer is what my husband always says which is why I could leave \$30 under a piece of wood on a tree stump for a tire tube. My children have been raised to respect the land and to innovate, communicate and respect other ideas and collaborate to leave a positive lasting experience for others. Eric is 33 on Friday, he was encouraged to pursue his education in a field that makes him happy. We knew farming and town politics as well as the economy might be a challenge to return to here in Southold. Science, though a passion, was too easy he said to us. So he chose poetry and writing as his career path. Always writing about home, he maintained a 4.0 average. He achieved his graduate work at Emerson and is currently teaching at Northeastern while developing his dissertation for a PhD in writing about farming. He has submitted a letter that will be read into the hearing. He married on the farm in 2014, his bride Brenna. Michael is 31 and earned his Eagle Scout at 16. He was encouraged, like his brother, to choose something he would be happy doing. Michael's choice was architecture. His dedication, integrity and innovative ideas earned him a spot on the Wentworth Institute of Technology groundbreaking graduate program. One of only 19 students, he was challenged to succeed. If not successful, this program for accreditation at Wentworth would have to wait five more years to succeed. Michael has succeeded and is poised to pass his last two exams for licensure. He has also a letter to be included in tonight's hearing. He was also married to his bride, Katie, on the farm in 2016. Threads in the community. Sep, as my husband goes by, has dedicated his life to growing quality food to the community and beyond. Our bounty extends to those who may be less fortunate and to civic associations. There are letters from this year to support those statements. He donated for two years to the sisters of CorMaria retreat house in Sag Harbor, in their way of thanks, they petitioned the Pope to bless our family. We would do those things without any of those accolades, in fact, Sep is usually quite shy about the praise. Members of the Board, we are watching what you will do to our livelihood and yes, our lifestyle. Walking the door to pick my greens for dinner with my grandson Henry, 19 months old, are a right I fully intend to protect and defend. Make no mistake, the 80/20 was not proposed by farmers. Making this legislation so restrictive will strangle any young farmer's dreams of life here in Southold Town. Dirt is our medium, which I went into my front yard before I got in my truck and got some of the soil that makes the best tomatoes and corn, and the canvas is full of color. Nurseries, herbs, flowers, livestock, grapes, cheese, hops, fruit, apples, sod, wheat and so much more. Be innovative, not legislative. You the community are all so privileged to have the greatest growers tilling the greatest soil in the state, if not the country. Represent them fairly and unbiased as to their gender, farm interest, economic status. The next great innovation grown in a field or discovered through a microscope may be produced and processed in Southold Town. My husband's family, my mother-in-law at 80 years old, still works the farm. They drove the car up and down the fields to make sure that the birds did not destroy the tips of the corn so that we wouldn't have anybody ripping them open and go, not organic. They wouldn't eat a worm. Once upon a time my husband farmed all the way from Orient Point to Southold town and drove a tractor to do that work. That was over 500 acres. Now we are down to 100. Largely done by our own family, my son comes home from Boston when he finishes this semester in May and he stays until Labor Day, so that he can operate some of the tractors, help with planting, irrigation and truck farming over to Shelter Island where my husband and I opened a farm stand 29 years ago. So we would love to be able to foster those ambitions our children have to be part of the community. 'My name is Eric Sepenoski, son of Peter and Kathryn Sepenoski of Sep's Farms in Orient and East Marion. To those present, thank you for hearing my letter this evening. I understand the town wishes to redefine what a winery can be and what it can do. But to my mind, this issue may go beyond grapes. I am concerned that

the proposed amendments will set policy precedents that lead to further regulation of all farming in the town. The proposed amendments may also establish economic barriers preventing current farmers and new, particularly younger people, from acquiring land to farm. As a young farmer with a new family of my own, I have every intention of continuing to farm my family's land. But I and many of my generation are keenly aware that in order to make economic ends meet, we also need to educate the public about what we do, what we grow and why we grow it here in Southold Town. Educating the public requires that we show them our farmland, let them taste the foods we grow and products we make and teach them about what goes into those products. Are 10 and 80 really the numbers that will allow vineyards to be growers, sellers and educators? I doubt it. We need to think long term about this amendment and its ramifications, and to really consider the Alcohol Farm Products Working Group proposal before moving forward on any amendment. Let's not rush the land simply to meet a December legislative deadline. Thank you for your time. Eric Sepenoski.' He has spent his time as a father picking strawberries with his son, picking peas. Every child should be able to reach out and grasp a pod, open it and hear it go plink, plink, plink in a pail. Of course, there would be a couple of missing plinks because you would have to taste them along the way. Picking sunflowers, three generations digging potatoes this spring. Five generations planting. The fifth generation picking his first watermelon. The fifth generation eating a slice of watermelon with his great-grandmother. These are things that all children should be able to experience in Southold Town and I brought the phot album from when my husband used to take children out in the field and show them how the combine works so they could pick potatoes and pumpkins. Go back to school and make a stamp and send a thank you card to this farmer for showing him what happened in the fields. Michael Sepenoski, To the members of the Zoning Board, an open letter from a hopeful future 4th generation farmer. 'I write this letter to you sitting in my cramped Massachusetts apartment. I came to Boston for school and ended up staying for a job while repaying my student loan debt. (The day he got that job he was in the field putting in tomato stakes, he got the call from the person he had interned with who said, throw the stake to the ground and let's get you to the ferry) I've been told by town officials and local leaders during my BSA Eagle Scout ceremony that I should get an education and bring that knowledge back to the town I grew up in. (Let's kill the brain drain, let's bring them home) My hope is that I can one day return to the north fork, ready to start a career in a place that I still call home. I would like that career to be in agriculture but I am finding out that this might not be a possibility if the proposed zoning regulations are enacted. The proposed changes to chapter 280, zoning regulations, are to protect the quality of life enjoyed by Southold Town residents while also promoting wineries and other agrotourism within the town. I do not see how these changes will lead to anything but the opposite. The north fork is known for its wines. If wineries are forced to produce and process with a regulated percentage of their own harvest grapes, they wouldn't be able to sell any wine, they would be out of business. Many wineries on the north fork rely on the ability to sell or trade grapes to stay in business. This regulation would also make it impossible for wineries to recover in the event of a crop failure or other unknown environmental catastrophe. This farming practice is a fundamental part of the business, regulating a change would be a challenge to that practice. The zoning regulation would likely also stifle innovation and homogenize north fork wines. This homogenization would lead to a decrease in the quality of wine which by default would lead to a decrease in tourism to the north fork. Without the added revenue of consistent tourism, other areas of the north fork economy would also suffer; restaurants, hotels and main street shops would see a decline in business which would lead to a decline in the quality of life for locals that depend on that tourism to live. What these regulations also don't take into consideration are the hopes of new farmers. My wife and I have been considering moving back to the north fork to continue my family's farming practice. The proposed changes do not address any language

regarding grandfathering in existing farms. By requiring 10 acres of land be solely used towards making wine, you eliminate the option for farmers to utilize land towards other agricultural investment. If we wanted to start a business making wine, these farming regulation changes would burden us with the inability to do so. I understand that the regulations for wine making haven't been updated for decades. Since then, a lot has changed and I agree the north fork also needs to change. Have you taken any recommendations from the Southold Town Alcohol Farm Products Working Group when crafting these zoning regulations? The group is made up of knowledgeable members who would like to offer up useful information to help inform code decisions. It would be valuable to hear the groups thoughts and take them into consideration. I urge you to consider their ideas before casting new zoning regulations that would fundamentally change one of the largest industries on the north fork. Sincerely, Michael Sepenoski.' And that presentation, representation for Senator Ken LaValle was done by Scott Russell and I thank you for that. Jim, a hypothetical farm, less than 10 acres that wants to innovate, the 280 bulk schedule will automatically kill that, correct?

COUNCILMAN DINIZIO: I believe so.

MS. SEPENOSKI: Okay, you stated that you supply alarms for a living for safety. If a report was given to you of intimidation, what would you do?

COUNCILMAN DINIZIO: I don't understand that question.

MS. SEPENOSKI: If a report by a citizen concerning intimidation was reported to you, what would you do?

COUNCILMAN DINIZIO: I don't understand that question at all in any way. I think that you and I have a personal experience in that and you know what I did, I am not prepared to divulge that. I can say that I thought it was good, I thought the result was good. Yeah, I install alarm systems but the reason why I brought that out was because I know absolutely nothing about your business, okay? Nothing. Any more than you know about my business. So when we set up a committee and the committee is, their meetings are posted in the proper places, that is a request and an invitation for everybody to come and participate in that meeting. So you know, when I see a crowd the size of this, okay, after supposedly all the work has been done, I have got to wonder, where were they when those committees which is where this stuff is all supposed to come from, where were they then? Because that's what we need, that input.

UNIDENTIFIED: Inaudible comments from audience.

MS. SEPENOSKI: Jim, respectfully I am going to interrupt because in 2015, when I stopped my family from farming on July 2nd, knowing that 4th of July was imminent and we have to make every dollar count, I pulled every single family member and worker out of the field and insisted they get in their cars and come to Town Hall to the ag meeting in Capital One bank. I brought some of the processed product that I did in a commercial kitchen and your comment was that no one wanted to taste the product because they weren't sure where it was produced and that you wanted to know....

COUNCILMAN DINIZIO: No, no, that's simply not true. Honestly, I just....

MS. SEPENOSKI: Inaudible. Would it be okay to visit a farm to have more understanding and

I would like to know from everybody up there, have you visited a farm and actually spent time with a grower, not just a vineyard...

COUNCILMAN DINIZIO: Yes. There are two people in here that can attest to that.

COUNCILMAN GHOSIO: Several.

COUNCILMAN DINIZIO: Well, number one, I have to be invited. Number two, you know, if you want me to come, come. I can tell you I spent many hours with Russell. And I can tell you I spent many hours with VanBourgondien's.

SUPERVISOR RUSSELL: I can appreciate all of this commentary, we are really trying to focus on the public hearing that's at hand.

MS. SEPENOSKI: I understand that. But that ag advisory meeting, one of the comments that was made is that there are only a few real farmers left in Southold Town and so we are writing this to protect you because what? I have dirt on my clothes and I am too ignorant to know what I am supposed to do to grow? And that comment created a lot of backlash in the room.

SUPERVISOR RUSSELL: I am sorry...

MS. SEPENOSKI: And bad behavior exists in Southold Town buildings, not just at wineries and I am curious what training or policies have been implemented in this town to correct it with respect to the community and for the safety of everyone. That's why I asked Jim that question. If the Board is unwilling to improve and protect residents, how can you fairly support this legislation because it goes to the health and safety of everybody, if you show up at a meeting you don't have retaliation when you go for a permit, or if you have to go to zoning or special exception and unfortunately, that has happened to me and intimidation happened at that meeting and I reported it and nothing has been done.

COUNCILMAN GHOSIO: Who did you report it to?

MS. SEPENOSKI: I reported it to three of the people here and nothing was done, it was even said to me when I described what happened at the meeting that it was intimidation and nothing was done, no apology was rendered and no action was taken against the person who did it.

COUNCILMAN GHOSIO: I would like to get more information on that.

MS. SEPENOSKI: And I would be happy to supply it. So, the proposal for the 280 that is coming up on January 16, will this special exception now apply to all farms that are not compliant with the proposed legislation? Because that is where I am getting pushback on what I am doing as an ag situation that I currently have before...

COUNCILMAN DINIZIO: For this particular hearing, no. You want a winery?

MS. SEPENOSKI: No, not at this moment but maybe my children do.

COUNCILMAN DINIZIO: Well, that is what this is all about, a winery. About how to qualify....

MS. SEPENOSKI: Legislate one and we are standing united as a farm community.

COUNCILMAN DINIZIO: I get that. I get that, okay? But this particular hearing is about wineries and I stated in the beginning, honestly, I stated my feelings in the beginning, there's no way I am voting for this and I never had any idea that I would and my reason was that I thought there are better ways to tell a farmer or use the codes that the farmers already have through the SLA to qualify their wines, without us telling 80/20 because quite honestly, I don't know what that is. I don't know how I would ever verify it. Okay? But by the same token, Kate, if you are going to come here and you are going to insinuate about somebody intimidating you in town and us not doing it, I think you are being unfair because you and I have had plenty of dealings and I have done plenty for you, okay?

MS. SEPENOSKI: You are one of the few. And I appreciate your support, Jim.

COUNCILMAN DINIZIO: I hope that you do.

MS. SEPENOSKI: I do. I am concerned that the eight years, with the special exception, with the housing. I know you are going to have future discussion but is the reason that the eight years is in there because if the slow death or the quick death of vineyards, wineries, the farm community would mean there would be less demand for apartments for affordable housing? That struck a chord with me because in order for people to live here, to help and work and participate in the community, a lot of them need affordable housing and the eight years just struck me, is there something that's already being pre-planned with the legislation that's being proposed, I feel that need to question, if that's part of the purpose of the eight years.

COUNCILMAN DINIZIO: Can I answer that? The irony does not escape me that we have two hearings, one is to put businesses in residential zones and the other one is to put residents into business zones. Having that discussion to me seems so absurd, okay, in the town. We are in the business of farming and we have been pushing it, I have said I have been involved in it for many years, over 30, okay, and I saw it grow and I know there's a few things that need to be taken care of, I get that but quite honestly, traffic is a good problem to have when you are trying to run a business. I prefer to have that traffic go into a farm as opposed to going to a school, okay, that's going to cost a lot more money. On the same token, if you are going to look at the farm and I am trying to put these pieces together. I know that we have a winery, I know that we grow grapes, we pick those grapes, we process those grapes. I have no objection to that on a farm. Now the 10 acres that Scott is proposing is in my opinion, what I was always looking for, was that would be the minimum to allow you to have all the goodies. To allow you to have the tastings, special events, weddings, those things. In other words, that's the minimum. My preference would be that they be on a major highway which is what you heard the lawyer say before. Quite honestly I would prefer to define that as a little bit differently but in any case, those are the things that I think we need to talk about. I don't think that, you have got me so upset about this accusation, I just think that if we are going to do this, we need to sit down. But you need to show up, quite honestly. I mean...

MS. SEPENOSKI: Can I respectfully ask that maybe the Board understand that some of the people are single operators and they can't leave during the time....

COUNCILMAN DINIZIO: I couldn't agree with you more.

MS. SEPENOSKI: Can we have an agricultural meeting with the Town Board at an agricultural site? We would be happy to host you.

COUNCILMAN DINIZIO: You have some problems with that because we are public, we have to have our meetings in public, we have to post them, you know, there are laws that govern how you have those meetings. And the meetings that Louisa Hargrave was part of was supposed to be how we gathered that information from the people that are involved in it. So my personal feeling that I thought we had the people involved in it, we went to a code committee meeting, the person who was in charge of that came to that meeting, presented us something and here we are. Now if that's not the case, I am all for scratching it and going forward but I know you are busy, I am as busy as everybody else is. Okay? But you have got representatives, you have got the man here in the blue shirt.

MS. SEPENOSKI: The problem for us, Jim, though, is that ours is affected by weather, not that your travel what you do for your job and all of you, because we all have other jobs but ours is a perishable item and is often only successful if we are working around climate, to make sure that we are protecting....

COUNCILMAN DINIZIO: No, again, I get all that. I understand the whole grape/winery thing. To my mind it's a completely different thing than a farm stand and it needs to have, you need to tell us what you want to do, what you need to do to be successful and we need to place that down onto paper and you know what, the public needs to come in. I am going to tell you, some of the things that you suggest I am going to put down on paper but I am going to tell you, it's going to be a different group in here when they read that okay, because we represent not just you guys, we represent everybody. They read it, they are going to see it, they are going to say, oh, I can have a wedding next to my house every weekend? That person is going to come and say something, okay, now Russell mentioned the worst offender. He is the only one that qualifies. I have got a problem there, is that what you guys want? I mean, do we need to have pole dancing? Do we need to have sex in the barns? Do we need a 12 year old actually see that happening? There was a whole lot of it.

MS. SEPENOSKI: No, we don't.

COUNCILMAN DINIZIO: They are calling themselves a winery, okay? So we need to put down some hard fast rules here and then they need to be followed.

MS. SEPENOSKI: But those are more about the bad behavior exhibited as opposed to...

COUNCILMAN DINIZIO: It certainly is but guess what? That's what I see. Mr. Alarm Technician. And Mr. and Mrs. Joe Blow go to Riverhead and work and read the paper, okay, and see four young ladies. You have got to understand that. It's not just, we want you to be successful but we have got to figure out how to do that and you need to tell us what you want and then we need to decide what we can tolerate. We are zoning, okay? We are not farming. You guys are farming, you are not zoning. Its two completely different things but we are trying to put them in the same shell. I am glad that we are talking about farming instead of homes, okay? Let's face it, that was a good move.

MS. SEPENOSKI: I just want to close with that CAST, North Fork Parish Outreach, CorMaria

and the Orient Congregational Church which celebrated 300 years and I want to congratulate Long Island Farm Bureau for celebrating 100 years.

KAREN RIVARA: Good evening, my name is Karen Rivara. I am a shellfish grower in Southold, recent past president of the Long Island Farm Bureau and a member of the Agricultural Advisory Committee in Southold. I want to thank the Board for taking the time to listen to us. I know it's a long hearing. And I think, you know, I am not going to reiterate many of the points except to say you can see the rest of agriculture fears that this code could be applied to them, especially if their sector of agriculture is viewed as being problematic and I think that it would have been a better process to have this particular code passed by the agricultural advisory committee prior to noticing it. I think that we probably could have addressed some of the issues here that have upset so many people. And as an ag advisory committee member, I get frustrated by the process. We spent many, many years working on the definitions and we have also spent many years working on the use code. Some of the definitions that were adopted actually don't make any sense until we have our use code adopted along with that. the single farm operation language that was in the definitions that were adopted was not something that we supported, it didn't really come from our committee but we agreed at the April hearing that it was important to update the code and to have modern language regarding agriculture in the code. So we agreed to work with the town in the future to address that single farm operation language. I will just echo what Adam said, I am not a facebooker, so I don't even know what anybody is saying on social media, that's why I am such a happy person, but I did not propose 80 percent as reasonable percentage. I think there's probably a more nuanced solution to that. Mine was to basically take the single farm words out of there but or the word single out of the code. At any rate, obviously this isn't a good solution to the problem we have or perceived problem that we have. So I don't, I am not going to beat what I think is a dead horse and say that the 80 percent/20 percent is not workable for the farm community. I also want to reiterate that, you know, the ag community is willing to work with the town and the community at large to come up with viable solutions to issues as they arise and you know, we want to keep our industry viable, we want to attract young people and I am also so very happy to see so many young people here speaking. Because we need to thrive as a community in the future and if we don't have young people coming into this town, we won't have that. so it's important that we keep this industry thriving for them and I think we can come up with a solution, I think we can work with the Town Board, I just think we need to involve more people from the ag community and the community at large and we work through these issues and come up with more elegant solutions. So I will echo what my colleagues have said and ask you to not adopt this code, to vote it down tonight. Thank you.

ANTHONY NAPPA: I am Anthony Nappa, winemaker for my own wines, Anthony Nappa wines as well as Raphael vineyards. I live in Southold. I have two young boys, a four year old and a two year old. It's past their bedtime. I was going to bring them. I would like to thank Jim for saying that he is not going to vote for this and I am happy to continue this filibuster all night until the rest of the Board concedes. But I just want to say that first of all, I have been a resident of Southold Town for 10 years but I am not from here, I am not a north fork native, I don't have a bumper sticker that says that. I moved here specifically to work in the farming industry. I have worked in agriculture my whole life and I know that it's strange to hear with the brain drain thing to have people moving here to work. And I know it's also strange to hear that good jobs are in farming. Good paying production jobs are in farming. Together we all work with our hands, we all make things, we all grow things and together we are building an industry. We have a community, how many hundreds of people show up to defend each other and we have an

economic impact and that passes on to tourism and everything else that you have heard today. What I want to specifically address and respond to some of the things that have been said about this code already and skip some of the other stuff I was going to say. This proposed code was probably thought of with good intentions. And not all results, good results come from good intentions and I am an optimist so I assume we had good intentions here but I think the unforeseen results and the effective result of this, particularly if it's passed to all farming, is to shut down farming in this town. The 80/20 that we have gone over multiple times, I think that blindsided a number of people and I completely disagree with it. I don't think there should be any percentage and if we want to talk about a way to regulate the size of wineries, we can do that without regulating the farming aspect of it.

SUPERVISOR RUSSELL: Okay, is that true? We would be willing to talk about scaling the winery to the size of the production, is that something you would put on the table?

MR. NAPPA: Inaudible.

SUPERVISOR RUSSELL: Okay, that's a good start.

MR. NAPPA: But telling farmers how many acres they have to grow, or where they have to grow it, who they can sell it to, I mean, that is just crazy. That doesn't happen anywhere in farming. I think but it was also said tonight that this doesn't affect us, that this only affects wineries, it only affects certain residential zoning. Well, that's a slippery slope as well and all of us here, even if you add at the bottom of this code that we are all grandfathered in, we care about the future of farming not just today. A lot of farms are here and they are worried about this code and they are worried about the 80/20 and they are worried about the restrictions that aren't wineries and many farmers are pretty pragmatic. It's not hard for them to think that once this code is enacted for farming, it won't be forced on to all farms under the idea if it goes for one type of farming, it goes for all. Telling farmers that they must grow ten acres of one crop, that seems crazy to me. Dictating what we grow? And what happens when that gets passed to other farms? Are you going to tell Christmas tree farms that they have to have 10 acres of Christmas trees before they can sell any? Or they can only buy 20 percent? Or what about pumpkins or apples or anything else? The effect of this, if it was put on all farming and currently for the wineries, means that existing farms or wineries can't grow or expand their businesses. They must own the land. They can't lease it or rent it and they can't buy grapes from their neighbors. Young farmers as has been discussed tonight, this makes the barrier to entry even more impossible. I am already I this business and like Adam said, my dream would be to have a vineyard one day too, the barrier is already almost insurmountable. Before we have more restrictions. I would like to tell a really quick story about a Muslim immigrant from Turkey who moved upstate New York and started making yogurt, you all know him, Chobani. In ten short years, the number one yogurt company in America and their economic impact is in the billions of dollars and they almost single handedly saved the dairy industry. Hundreds of farms, the byproduct of making yogurt and cheese is whey, they donated to pig farms. This is a success story of production and this is how farming works all over the world. Processors process and promote more farming. Hundreds of dairy farms did not go out of business and they get paid above market value for their milk to make an agricultural product in the state of New York. If this code applied to them, there would be no Chobani, there would be no yogurt, they would have to own all their land, they can't buy milk from their neighbors. There has been a lot of talk on social media about what the public wants but I think it's pretty obvious that we are the public. We are your constituents. Some of us voted for you. We all live here, this is our community.

These are our neighbors. I have, on personal side, I have two small children so when you say this doesn't affect me today, what about tomorrow? How are my kids going to grow up in this community? What is this community? Every time I hear anything about the schools is that enrollment is down. You don't get to play sports because we don't have enough kids to field a sports team, there's obviously not going to be any advanced placement classes and if they happen to be gifted or special needs if they aren't. What about all your kids or grandkids or where forced to leave this community. There's good jobs in farming and we need to promote production and promote farming in all aspects. And I am going to extend the olive branch as well and say the wine industry would love to collaborate and we do have challenges and problems that we all agree on and if you are going to grow grapes, regardless of how many acres you have, of course you can make wine. Even if it's an acre in your backyard. Can you have a tasting room? Maybe not. But can you make wine? I mean this is crazy to me. That's why I am just going to ask the Board to please vote this down tonight. Thank you.

SUPERVISOR RUSSELL: Thank you. I can understand the opposition but please, let's all remember what the opposition is. This doesn't stop anybody from buying grapes, making wine, renting land, it doesn't stop any of that. All it does is say you need to meet a certain threshold if you want to do it on a farm. That's all it says and the current code requires 10 acres planted, I personally, I have got to be honest with you, I don't agree with you that it's not right to make them plant grapes. If you want to have a winery, I don't think that's a terribly high threshold to meet. I mean, you know, look, I will agree, we have got to work together on some of this stuff. You need to represent where we are coming from and some of the challenges we are facing too. I don't know that making someone grow grapes so they can have a winery seems all that onerous. There might be some other aspects, fine, we can talk about that but you know, that's the whole purpose of a winery, it's the end result of a vineyard operation.

MR. NAPPA: A vineyard operation is a winery. What has been said already...

SUPERVISOR RUSSELL: Inaudible.

MR. NAPPA: What has been said already is that we need to separate tasting room, we need to separate retail. But a vineyard operation is a winery. There is no other use for our grapes. And I understand you said the farm stand code is already more restrictive than what wineries have to deal with, well, why don't we have a tasting room code? And if somebody wants to have one acre of grapes and make some wine and if they own 10 acres or 20 acres and if they want to have an acre of this, an acre of that, some pumpkins, whatever. That's farming, that's diversification. But saying we have to grow 10 acres of this, we have to do this, that's anti-farming. And the way this legislation is written kills farming and it's an attack on agriculture. It's not an attack on wineries, it does nothing for Vineyard 48.

SUPERVISOR RUSSELL: Vineyard 48 has nothing to do with our, I agree with you, Vineyard 48 has got so many issues, it's got nothing to do with anything. It's an awful, nobody from the winery industry, you shouldn't even use the word winery in Vineyard 48 because it's not a winery by any stretch of the imagination. I don't know what it was but it wasn't that.

MATT SPINOTZI: My name is Matt Spinotzi, I live on the border between Greenport and Southold. I own a house in Southold. I pay taxes in Southold and I am an active duty firefighter. What brought me out here was the agriculture industry, I am also the head distiller for Matchbook Distilling. My question is more from a bureaucratic nature from a taxpayer. How

would these regulations, particularly the 80/20 be enforced? It strikes me as pretty difficult to enforce.

SUPERVISOR RUSSELL: First of all, according to the people that I talked to, apparently it's a fairly well regulated industry so it wouldn't be hard to get the information but you need to remember, when we pass code we are looking for general compliance. There are going to be years of fluctuation where it's less than 80, more than 80. We understand that. We are just looking for a benchmark so that we can say look, to have a winery you meet a certain threshold in order to open the wineries doors.

MR. SPINOTZI: But how do you make sure that in your ABC, a winery ABC is, with the wine they are selling in their tasting room, that it is actually made from 80, say they have certain wines that are made with their grapes and they have other, and they buy grapes from other, how do you enforce that...

SUPERVISOR RUSSELL: They have to keep track of all of that.

MR. SPINOTZI: So they have to keep track and submit documentation to you. Do you have someone who reads, it sounds like you need to hire another person and where is that money coming from?

SUPERVISOR RUSSELL: I don't think that would be an issue.

COUNCILMAN GHOSIO: It would be an audit, my understanding is it would be an audit like they do in Napa. Napa has a 75 percent....

MR. SPINOTZI: So selective enforcement then?

COUNCILMAN GHOSIO: What they do is they have audits to show....

MR. SPINOTZI: It strikes me as something that it would actually be quite expensive to actually enforce and I feel like there are better uses for that money.

UNIDENTIFIED: Just on your last comment, Councilman Ghosio, Napa has a 75 percent requirement to put Napa on the label as an appellation and it's my understanding that there was widespread fraud where people were putting Napa on the appellation and I believe the industry itself, I don't believe Napa County made sure that people weren't selling counterfeit goods. But 75 percent is required (inaudible)

COUNCILMAN GHOSIO: The article I have here from 2017 talks about the 75 percent rule there and regulating the production and conducting audits etc. etc. It also does talk about problems they were having with reporting, cheating and wineries going and hurting other wineries and things of that nature. They have got a problem out there and they are struggling with it and their industry there seems to be a whole lot more mature than ours is, so you know, they have over 500 wine producers out there, at least according to the articles I am reading. I am no expert. But yes, it's an issue there as well and I have heard people mention let's look to Napa and I have heard people say, for example somebody said percentage requirements aren't done anywhere else. Not according to what I read from Napa. They do have that requirement. Maybe we are not making a stretch to have the requirement, maybe 80 is not the number, I don't

know.

SUPERVISOR RUSSELL: Napa is unique because they have a countywide administration.

UNIDENTIFIED: Let me just, he can be next. Well, thanks for correcting me on that and I believe you are right. I would say one of the things about Napa is, when I first heard there was a moratorium being proposed and I don't want to bring that up for any other reason just to say I did call the Napa Valley Grape Growers Association and inquired about what, when I was with the council, we as the council what steps we should take and not surprisingly, they had exactly a similar issue where it took a lot of elbow grease to overcome the animosities that I think that we, you know, that we feel and I would like to say specifically Supervisor Russell that I was in a meeting with you, Al Krupski and Ali Tuthill where you specifically said that you weren't interested in working with the wine council or the wine industry, okay, so I am hoping that what I am hearing tonight which I think is a change, is more than just lip service and I would really like to hear if you have some concrete suggestions on how the wine industry can be incorporated in this process because we can't just have, oh, I am interested in working with it and then nothing happens for six months. Let's get a plan of attack.

SUPERVISOR RUSSELL: I don't remember the exact conversation but I have to tell you, the first group I went to was your organization with about three or four pages of, I asked you to come in and talk about these issues. When I, before I ever brought up the issue of a moratorium, I showed you what my concerns were, there were about three or four pages and then the letter from the Planning Board saying Town Board, you have got to do something. I went to you guys right away and I don't know what the context of that conversation was but the general statement that I didn't want to work with the wine council is, I can tell you, not true. I will work with you tomorrow, we will bring the tape guy in, I'll be doing it any day of the week. I would be happy to sit down with any and all of you, I have always been available. I have gone to every meeting you have asked me to go to, although admittedly not often because I know I am not the man of the year there but the fact of the matter is, I would be willing to meet with you any time, any day. We have, any time you want. And I think it would be better in an informal setting because you need to understand where we are coming from here and you know, I am sorry, you know what, I will comment after. I am holding these poor guys up standing here.

UNIDENTIFIED: I just wanted to clarify a little bit of the Napa scenario. The TTB, the federal government sets guidelines in regards of what you are able to do in order to put Napa Valley on the label and that's 85 percent, so 85 percent has to be grown in the Napa Valley county, the same with the north fork, we have to have 85 percent to put North Fork on the bottle. So we could bring down 12 percent of Finger Lakes fruit and blend it into our North Dork chardonnay and we could still call it North Fork of appellation. Napa is trying to do everything possible to protect their appellation because of some of the things you just said which is true, people were bringing in fruit from outside, maybe not Sonoma county but other parts, lesser expensive areas within California and putting Napa on the label because they could get \$45, \$50, \$100 a bottle, that's exactly what we are all doing anyway because to the point I made earlier, if you were to say it has to be 85 percent fruit from the North Fork, we are already doing that but the North Fork appellation is not purely Southold Town, it's Southold and Riverhead. If we want to be restrictive, the pushback would definitely not come from most of the wineries if not all of the wineries because we are already currently doing that. if we did want to do a New York State, there's other ways of doing that. we could do it in a commercial environment, custom crushing not necessarily on the farm itself. But to protect our local appellation is all about our best

interest, whether it's about tomatoes, potatoes, Long Island duck, in this case, wine.

COUNCILMAN GHOSIO: Thank you.

TOM STEVENSON: I think I was a fairly young farmer at the beginning of the hearing. Tom Stevenson, Orient. I run a berry farm, I am a parent, husband, landowner. I coach your teams, I help run your leagues, I am on the school board, I did not grow up here. I graduated college in '97 and packed up for Long Island to take care of my 98 year old grandfather and everyone in California said, where are you going? I assured them how nice it was here, I've been coming out here ever since I was a kid. Enough about that. Ag Advisory Committee, I spent about five years of my life, about every two weeks to come down here to town hall and we would dig through some legislation with Bill and sometimes Scott and we serve at the pleasure of the Town Board. We volunteer our time to try to make Southold a better place and we understand how difficult these decisions are and it was broached by Mr. Dinizio, Vineyard 48, we reviewed all the terrible police reports, I mean, I was shocked and our recommendation was why doesn't the state yank their license and that was years ago and it just took them until now and I don't envy your position sitting up there where you really don't have the power to do that and you have to vote in executive session to spend a lot of money to sue and who knows what goes on, I am sure there's a lot more stuff that goes on there so, that stuffs terrible that happens but almost all the operators here were also mortified about what was going on there. so getting to the local law here, I agree that I didn't like the title where we are talking about in residential districts here, I don't think that AC should be looked at as a residential district, we are looking at it as farmland. The houses are encroaching in on the farmland. Let's see, what else, I am not going to go way into this but I think also this could nix any stand-alone tasting rooms even though there's no definition of a tasting room because you are requiring production at the winery site, you couldn't have a winery that doesn't make, you know, produce right on site. Which I think is a distinction that a lot of us weren't comfortable with in the ag advisory committee because of you know, there's so many situations where people are growing the grapes, making them elsewhere and at least I feel like they should be allowed to sell their wine even if they didn't make it on site, they should be able to sell it from their vineyard site without the production facility. That was my personal opinion. Okay, just a couple of real quick notes but we have grown from a town where virtually everyone farmed or fished or both to one where there are few of us that are left, is this what we want in this town? I moved here to farm, like Anthony, to be in agriculture and if I was told that you have got 20 years and then we are going to start to crunch down on agriculture, I don't believe that to be the case. I am willing to still show up every two weeks and work till whenever to get this right and if that means going back and fixing some definitions and working with everyone in every industry, I mean, the aquaculture people are here, the greenhouse people are here, everyone is here supporting each other so, yeah, I am not going to take up more time but there you go. Thanks for letting me speak.

SUPERVISOR RUSSELL: Adam, can I just quickly address? I remember exactly what the meeting was and that was a meeting, you had sent me a response, a letter response based on my call for the moratorium and you had outlined some of the things that your group, you had outlined that and so we had a meeting because one of the things you had talked about was your group had organized a committee and I said at the time, I don't think I want to work with that committee, we need a town committee because the zoning doesn't belong to the wine council or anyone else, it belongs to the entire community and it needed to be a more diverse committee and I remember exactly what the conversation was and I have the letter what, at the time, outlining what the offer was. We formed a committee and we look forward to working with you.

I needed to form an independent committee. It's the nature of government.

MR. SUPRENANT: Your recollection is correct but what I took away from the meeting was a little bit more negative, okay, and I don't want to get personal here because I think the object of this hearing really is, we want to, I personally, you know I have been going to meetings and trying to contribute in a positive way and what I really want to take home from this hearing is that we are going to renew the effort, come up with a complex solution to a complex issue and obviously, as you said, I believe you can't please everybody and so there's going to be some folks who will not get what they want, everything they want but I think what I was trying to encourage was just let's try to come up with a plan whether it's me or the wine council or not another committee hopefully because I think there's too many committees right now but you know, if we can just, like for example, if I had seen the code or perhaps the wine council or other members of our industry had gotten a draft of that code, perhaps we could have made some constructive changes to it and this, you know, there might have been 10 people in this room instead of 50 people in this room.

JIM GLOVER: Jim Glover, Cutchogue nurseryman. Member of the Ag Advisory Committee for the Town of Southold as well. I don't have a stake in the wine industry but I am here to support those folks here and to voice my opposition as well about the language in this proposed code. Clearly we have heard 80 percent is too high but I do agree, one who processes a product in this town on a farm should grow their own product to some extent. I do agree there some requirement to grow your own if you are going to process on your own farm. The ownership requirement I think is something that we should never entertain for any farm operation for any code requirement to have any farmer be required to own their own land. I for one, started my nursery business 20 years ago on 2 ½ acres of rented land. I rented for 8 years, built up enough equity in the business and did eventually buy my own land but frankly you can operate on rented land through your whole business life. You don't necessarily need to own your own land. So I implore the town and anyone else discussing legislation changes to never include ownership as a requirement. The 10 acres requirement does seem too high to me, just from a gut instinct. And I do like the seven acre suggestion that Adam had. I would second that. And harkening to a lot of people's discussion about young farmers, I was a young farmer once when I started and there's no contingency for start-up operations with this code, proposed code or for crop failures. So I would suggest that this legislation be withdrawn and as a member of the Ag Advisory Committee we've gotten the ball started on taking a more comprehensive approach to ag, to legislative reform to the agricultural industry. We've adopted definitions that were a good start. we adopted them in April. Took us years, many years of committee meetings and late nights to get to the point where we were ready to propose that to the Town Board. They are not perfect and I do think they need some tweaking but as Karen said, we wanted to get them passed because there was a need to have modern language in the town code regarding agriculture and I think that's the point I would like to make that hasn't been empathized yet tonight is a comprehensive approach to agriculture, one that does not segregate one sector from another. Wineries are agriculture, nurseries are agriculture, sod is agriculture. Quail are agriculture and they should all fall under the same legislative umbrella in terms of code that the town adopts and enforces and so I would encourage us to move forward on the next phase of the zoning reforms that we started in chapter 280-4 which is where the definitions I believe reside and the next part of that is to include the uses that make the definitions make sense and I would think that our efforts specifically to the wineries should be addressed in a more comprehensive plan that we are going down the road to do. Thank you.

SUPERVISOR RUSSELL: Robert?

ROBERT DUNN: You weren't going to keep me quiet tonight. Robert Dunn, Peconic. I am not a farmer but I actually work for two of the farmers that are in this room. I drive the trucks for one, and farm rides for another and what I wanted to say is I have heard a lot of comments here tonight and this didn't happen today, it's happened for, I am a regular at this meeting, I am not like I said a farmer but I often come to the meetings and this has moved along for a number of months and no one was here, so this kind of stuff and I have heard this happen with a number of hot button issues, people get angry because they think something is getting jammed on them, it doesn't happen that way. In fact, in this (inaudible) there was a word that was inserted that I suggested, you remember three weeks ago, regarding the gift shops that the word retail be included so that somebody wouldn't use it to turn it into a bar supply thing. And the word was inserted, so if you come here, this stuff won't happen. If you have the input, it won't happen. You have a number of committees that feed them and they are very open to hearing this stuff. So that you don't have to be here at almost midnight...

UNIDENTIFIED: Many people serve on those committees that are in this room.

MR. DUNN: Oh, I understand that. But there was a lot....

SUPERVISOR RUSSELL: At this point, we are just going to address the Town Board, please.

MR. DUNN: There was a number of comments to, well, many people serve on the committees but there was a lot more people than serve on the committees here but what I am saying, if you stay above, nothing here is done in secrecy it's all out there and the committees certainly know. So you can get the word that it doesn't have to get to this that something seems to be being pushed on you without your knowledge. That's all I wanted to say. They are wide open to comments.

ALISON DELANEY: Alison Delaney, Southold. Hi there. I hope I am speaking into the mic okay. I am probably a great person to go after that gentleman that just went, as fate would have it because I just wanted to reflect briefly, I am not going to echo what my friends and neighbors and colleagues have just said. I am not going to restate my opposition to these proposed code changes, I think everyone else here has done a great job but I just wanted to share a brief reflection as a newcomer both to the north fork, I grew up on Long Island but up island, about an hour away from here. I started off as a weekender a couple of years ago, my husband and I bought a house, then we became full-timers, largely because I am a newcomer to agriculture. I have been working on a farm for the last year and a half, I am also a newcomer to Town Hall. I have also been a newcomer in various jobs my entire life and I think what newcomers can bring is really fresh perspective but also no understanding of what has happened before and maybe things aren't appropriate. I think it's worth the risk of having that sort of crazy you don't know what you are talking about with that fresh perspective and I address this mostly to the Board that is sitting in front of us. I think the tone has changed throughout this meeting that Adam alluded a little bit to but it's not encouraging to a newcomer to be sitting here and I have a Supervisor and some other members say things like well, you weren't here or where were you or etc. etc. I appreciate...

SUPERVISOR RUSSELL: I didn't say that...

MS. DELANEY: Can I please finish? And you did. I appreciate how that is frustrating for you guys as well because I am sure there have been times where you have looked out at an empty room and it does seem like this is coming to a head and it does seem like a where were you? And I try to empathize with that position, I am just saying, for those of us who have never been here before and want to be involved and want to figure out how you can get the word out about things and we want to sit in as a guest on these committees or maybe one day join these committees when we have enough experience, it is not encouraging to hear that kind of language. I thank you for your time.

SAL DILIBERTO: I will be very brief. Sal Diliberto, past president and I am a current board member of the Long Island Wine Council and I thank you all for having the patience to listen to everyone this evening. It was curious to hear that gentleman say that he was able to contribute to that proposed legislation three weeks ago when the committee, the Farm Alcohol committee didn't have, didn't see it until November 29 which was like a week ago. So I am assuming that it probably happened at the November 8 board meeting where they proposed the resolution to put it on for public hearing and to have publication. Be that as it may, I think it's really important that whenever you have any type of legislation that is going to impact on an industry, not just any industry but one that has played and continues to play such an important role in the Town of Southold, it's important that that industry and their representatives be the first ones notified. Not the last ones notified, ever. You know, we are a nation of laws and laws are important because they maintain order in society and because they protect our citizens, so they are important but what is equally important is that any government entity that proposes a law has to look at it and know that what they are going to do is take away a little bit of someone's freedom, every time they pass a law. So there has to be a good reason to pass a law. You have to do something that is really going to protect the public, you have to do something that is going to maintain order in society and you can't look at a law, like this one that is being proposed here this evening, and I think hear all of the legitimate comments about it and not feel this is a very, very imperfect law and the idea that any board would ever just pass this law so that maybe later on it could be fixed a little bit or tweaked a little bit or whatever it might be is not what government is supposed to do. government is supposed to, you have the right to take away our freedom as long as we have the opportunity to be heard, as long as we have an opportunity to determine who will be our elected representatives but that is a great responsibility and I think that after this evening that any board member who believes that they should vote for this flawed, very imperfect law which could wreak havoc the way it's all been described to you this evening. So I know that Steve Mudd asked you a question at the beginning and I don't know if he intends to ask you again but I'd like to ask the same question again, just ask the board members; after having heard everything you have heard this evening, do you believe this is a law that should be passed? I am not asking for your vote of course.

COUNCILMAN RULAND: I am going to answer you right now, because I am prepared to answer Steve's question when everyone is done including you and anyone that may follow but I am certainly prepared to respond to his question now, after everyone has had an opportunity to speak.

MR. DILIBERTO: Okay. And the other board members, do they feel the same way?

COUNCILMAN DINIZIO: Well, you heard my answer.

COUNCILMAN GHOSIO: I would like to finish the hearing.

MR. DILIBERTO: Well, I have nothing further to say then. I do hope that you will vote for it this evening and that you will vote to either withdraw or vote it down. Thank you very much.

LOUISE HARRISON: Good evening Supervisor and members of the Town Board, my name is Louise Harrison, I am a resident of Peconic. I am not a farmer. I have stayed for the evening because I am fascinated to meet my new neighbors. I moved here seven years ago and I find that the stories I have heard here tonight have been, I have been enthralled. Learning about farming, things that I didn't know, learning about the challenges, learning about the families, learning about the roots here in Southold. But I have been before this board before on occasion and I think that most of you know that I have been working in concert with the town's own goals on an important environmental project. And I don't represent my agency but only myself tonight when I address you. In my career, I have addressed town board's all over Long Island, I have addressed the county legislature many times, I have addressed the state assembly and I have addressed the federal government. And I have addressed very small towns, including Shelter Island. But I am dismayed, I think there is a great deal of disrespect shown by some of you tonight. I don't think it's appropriate to argue with people who are standing at the podium and have taken time out of their lives to address you tonight, no matter how strongly you feel about your proposal, it is inappropriate at a public hearing to argue with the speakers. They are here to give you information. That's what a public hearing is supposed to be. I have never, ever been at a public hearing where people have had to defend their positions to the Town Board or to any other hearing. It's wrong and I condemn you for that tonight. I am glad you had the patience to listen to everybody and I am glad that everybody in the audience had the patience to stay. And I really admire everybody that got up to speak, but how dare you, those of you who argued with the speakers tonight and you should stop and you should never do that again. That is not the reason for a public hearing. If you feel strongly about your proposal, it should have been explained ahead of time so everybody understood it and everybody understood your rationale but you do not person by person shout people down and condemn them. I am very angry at you tonight. Thank you.

SUPERVISOR RUSSELL: Would anyone else like to address the Town Board?

ANTHONY SANINNO: Anthony Saninno, Saninno Vineyard. Vice president of Long Island Wine Council, thank you very much, your patience, patience in the audience. A lot of passion here, if you get to know the wine industry, extremely passionate people. One thing I noticed, there must be a fear, I think Doug Cooper mentioned it, somehow there is a fear I think of wineries not producing enough grapes so we have a percentage we have to talk about. Most of us grow a lot more than we actually have in property that we own, so I am not sure why we even discuss a percentage, we don't need a percentage, we grow more than we need. We grow on properties we lease, we buy from growers, there's actually no need for a percentage, so I am confused about that, number one. The ten acre requirement, I just worked in depth with the Planning Board and the Zoning Board extremely talented people, patient people. Went through probably the most vigorous process anybody went through to get through the process because of unchartered territory. New stuff that we had to go through. One thing that I know for sure, after going through the process is that we can't develop a code that's going to actually satisfy every property. You will always have a non-conforming property in a location that has proximity to more homes and a property that has very few homes. That property could be 10 acres and not affect any homes, it could be isolated, surrounded by development rights sold properties and not affect one single person, you could buy 100 acres that has 50 homes on one side of it and 50

homes on the other and the rear and still be on a let's call it a major highway and affect 150 people. So the acreage requirement really doesn't work either, everything is on a site by site basis as far as I am concerned. We do have issues in town, this current legislation does nothing to satisfy the concerns of the people that live right next to Vineyard 48. We develop something that attacked agriculture and the only thing we had to do was try to protect the neighbors that have concerns. On behalf of the Long Island Wine Council and its members, I just want to offer to the Board, complete assistance. Anything you guys are asking for, any meetings you guys want, we will attend. We can participate, we can have you guys visit the farms and really get to know our business. One thing I learned tonight is that you don't know enough about our business. We need to invite you in and have you visit and I think Jim, you mentioned that if you are invited you will come, we'll send out the invitations and make sure you guys visit us. But again, thank you for your patience and thank you for everyone, the farming community, all of us for sticking together on this one here and most importantly, definitely vote this one down. Let's get back to the drawing board, work together and come up with a solution that works for all of us. Thank you.

BENJA SCHWARTZ: I want to thank everybody for coming tonight, it's very different night here. To address this specific legislation but also, I want to thank the Supervisor especially for taking at least a measure of responsibility for the proposed legislation. I want to point out the various, some of the people who have spoken, their roles. I would try to introduce myself but I do so many things it would take all night, so forget about who I am but the, basically there are three main committees that have been represented here tonight. The Alcohol Products Committee, the Agriculture Advisory Committee and the Code Committee. the, start with the agricultural committee, I have a problem with the agricultural committee, very similar to the problem I spoke to the Land Preservation Committee about last month that they do not have a well-defined mission. The only thing that I found when I just looked on the laserfiche which by the way is on-line because I suggested it to our Town Clerk and she followed up on it and got the program up and running, so there is a lot of information on-line that you don't have to come to meetings everyday but it sure helps when you do come to the meetings except when I came to the Lane Preservation committee, I was outside the meeting more than I was inside the meeting. They like to have a lot of executive sessions but they did agree with me that their mission statement was desperately in need of being updated. The Agricultural Advisory Committee, I could only find one document in the laserfiche which was entitled Town Board charges and duties but only was one page from a town board meeting in 1992. At the time, Supervisor Harris made the motion seconded by Councilman Penny, Councilman Wickham, Lizewski, Justice Edwards, people I remember. It doesn't matter. Today, that same agricultural committee is still in place. But it is not in conformance with our own town code which is currently being interpreted and applied by the five people in front of us plus one. The alcohol products committee in contrast, didn't have any vision statement online, but they did have many, approximately two meetings per month, the minutes from those meetings. So if anyone wants to read those minutes, they can go there and hear a little bit about what that committee has been doing. But the most important committee that we have not talked about, I am the only one that I think mentioned it before tonight, is the code committee and the code committee, maybe that is not true, but the code committee in this case, you know, you talk about working with people but the code committee, the same people who are on the police, no, who am I thinking of...

SUPERVISOR RUSSELL: Advisory?

MR. SCHWARTZ: Not advisory committee, that's, that does nothing but the legally required to

run a police department, it's not a committee but...

COUNCILMAN DINIZIO: Commissioners?

MR. SCHWARTZ: Commission and the commission in this case is the same people who are on the Town Board, the same with the code committee. so all the laws, not just the ones pertaining to wineries but pertaining to tonight's meeting, yes, the ones pertaining to wineries and agriculture are reviewed and revised by a code committee that consists of this Town Board with the addition of a couple of people that they appoint or hire. The Town Attorney, the Planning Board, the Planning Department and the Building Department. But we need to have some more people and I will say it again tonight, I have volunteered before and you know, when I stand here before you in this room, a lot of time you give me some negative feedback but you are pretty friendly but when I meet you outside this room, I have been insulted many times and abused and have been told that I would never be considered. Sometimes people have told me, oh yes, we will hire you. Tell us what you can do. Give us a proposal and then they turn around and say we will never even take you as a volunteer.

COUNCILWOMAN DOHERTY: I am sorry to interrupt, Benja...

SUPERVISOR RUSSELL: We just need to finish up the public hearing itself.

MR. SCHWARTZ: Well, that's all I have to say.

SUPERVISOR RUSSELL: Thank you.

MR. SCHWARTZ: Thank you for listening. I know you would avoid it if you could.

SUPERVISOR RUSSELL: No, no. I am always happy to listen.

GIOVANNI BORGHESE: Hi, my name is Giovanni Borghese from Cutchogue. Thank you for the opportunity to address the Board. I have a few thoughts coming into this evening but thought better to be one of the first to speak and just gather a few opinions but I could have been the first to speak, nothing would have really altered any of my plans here. I apologize, this is kind of like a little choppy because I shoot from the hip normally, this is going to come a little all over the place but I want to know where the root of this came from, why it's the vineyards first and not other types of farms that perhaps subsidize or make up for demand by purchasing from out of state or from other growers? I think the word attacked has been thrown around a little bit and it wouldn't be a far stretch to think that because of the narrative of what the vineyards do on a negative front for the area is kind of why all the focus is on the vineyards and limiting production. Can I just get an answer? Scott, is it essentially because of everything you here, right, the busses, limos, things that Southold Town isn't really a big fan of, is that why it's vineyards first and not other types of agriculture? Or like what kind of gave you the impression to start here because obviously everyone is concerned it's going to be a ripple effect, it's going to set a precedent, it's going to go into other verticals.

SUPERVISOR RUSSELL: No, the traffic and all those things are serious issues that need to be addressed. This is not designed to address it.

MR. BORGHESE: Okay.

SUPERVISOR RUSSELL: There is, there seems to be, I am going to be candid, there seems to be some interest from people who want to come and build a winery but there's three components from a zoning perspective. There's the production, the growing of the grapes; the processing of the wine and then the sale of the wine. I know that's not consistent with your trade understanding but the zoning, the problem is you have some of these applications coming in, they have either no or nominal interest in the production side.

MR. BORGHESE: Can I just stop you right there? Can there be a separation from new applications to current operations?

SUPERVISOR RUSSELL: That's what this proposes.

MR. BORGHESE: Okay.

SUPERVISOR RUSSELL: This does not impact any of the existing wineries or any of the wineries that are already in the application stage.

MR. BORGHESE: I have been dying to get to that point of this. This might not affect anyone tomorrow and maybe everyone is within this 80/20 as it stands but as Anthony Napa mentioned earlier, Chobani being able to come to upstate New York State and become a national brand, would Southold Town be proud to know there is a national brand coming from Southold Town? If there were to be a reputable vineyard that perhaps grows X amount of their grapes and then purchases you know, free range how much they want to purchase. Is that something you would promote or you are shooting that down essentially.

SUPERVISOR RUSSELL: You had asked me the question before, I just want the chance to answer it in its entirety, so you have the three phases. People who either have nominal or no interest in the production side, the processing, I don't know, we get applications and there's no reference to processing. I don't know whether it should be there or not, I don't know, I am just saying and then the sales side. All this did was number one, it at least makes someone plant grapes alright, because the code and let me give you a specific example, I have got a 4,000 square foot winery being proposed, 10 acres plus two for the winery. How many are you going to plant in vines? We are looking at four or five acres. What are you going to do with the rest? We are going to plant privet hedges, okay? No, manufacturing or processing component to this plant, it's a 4,000 square foot winery and I have got to ask you guys, does, should the town code, should the town code allow someone to build a 4,000 square foot winery who really hasn't shown any commitment, any perceivable commitment to actually growing grapes?

UNIDENTIFIED: Inaudible.

SUPERVISOR RUSSELL: The 4,000?

UNIDENTIFIED: Inaudible.

SUPERVISOR RUSSELL: But they're building the winery first? I am going to be candid, I don't think that is necessarily the intent of the ag code. I think it's designed to support the operation but the thing is, they have the acreage, you could say maybe they can't afford it, well, why wouldn't they plant out the whole 10? They already own it. Know what I am saying?

UNIDENTIFIED: Inaudible.

SUPERVISOR RUSSELL: But it costs a lot of money to build a 4,000 square foot winery, do you really think, this is where we will have a disconnect but I understand a lot of what you are saying, if you really think a town code should allow someone to build a 4,000 square foot winery and only plant a couple of grapes, then I don't think that's what we are looking for in the ag zone. I think you really need to see a bigger commitment and every other aspect of the agriculture code requires that. I don't know why we should carve out an exception for someone unless they make the, you asked me, I am sorry, I know I am talking a lot and Louisa is right, I will take the dagger on that but I have these winery owners and I know there's two sitting here tonight that won't open their mouths and two that aren't here tonight that are saying Scott, why are we competing against this? We have 30 or 40 acres, we are spending \$5,000 an acre a year just to maintain them. Why are we even looking at someone building a winery when we can't figure out where he is getting his grapes from, where is his commitment to the industry? And then you have a community up there saying, wait a minute, we are not even going to get to look at grapes? Don't forget the community matters too. We need to factor them into the equation. You are talking about commercial operation on agricultural property where there's no perceivable agricultural operation.

MR. BORGHESE: Alright. But it does also seem like there is, you are saying, it does also seem, alright, let's get a little more personal.

SUPERVISOR RUSSELL: Sure.

MR. BORGHESE: We have roughly 25 acres of vines, you know we get X amount of tonnage from that, we are allowed to buy up to 20 percent up from that. We are maxed out. That is literally our production forever. Property taxes, wages, other types of equipment, everything is slowly going to rise. We sell like 17 wines. Maybe 5 or 6 wines, non-vintage wines, are literally cheaper than our (inaudible). That is just to stay competitive so we can kind of fight the narrative that Long Island wine is, I mean, let me not speculate but in my limited experience decades ago, it got a bad rep for being over-priced and under quality. In the last 10-15 years, I would say, you can't even put it in words what Long Island wine means to the Long Island market, Manhattan market, people who actually care about wine, right? So where does a vineyard go who wants to strive to become a national brand and so that's one point of it. the other point is just you know, like I said, you are maxed out, these other forces in the business, these other costs in the business are going to rise, you are going to have to what? Raise the price of your wines, right? because we do make up for the wines that we sell under cost, we make up for that through tastings, through tours and through the other wines that are expensive but I guess my point here is that, I think it's going to backfire where you are going to see a lot of vineyards who max themselves out in the next few years, they grow what they grow, they are going to take advantage of the additional percentage they can purchase, right? Mostly to build the wholesale platform. How are you going to stay competitive? Well, you are going to drive more sales to your tasting room. You are going to get every effort you can behind you to get more people to come to your physical brick and mortar as well as raising prices which you are going to save as a last resort. All I hear is, like I said, it's not the trees, it's not the pumpkins, it's not any other industry, it's wine first and wine is getting a bad rap because of all the traffic, it's going to get worse. It's literally going to get worse. We could make our money buying fruits, scaling it, you understand, right, you buy the grapes by the pound, by the gallon, it's significantly cheaper than

you growing it yourself, right, I am not saying I would promote a farm to have just a little you know, retail location, no vines at all and just buy fruit. I am on your side with that, I heard you say Jill, earlier, I don't condone someone coming into the area, just buying a piece of land and building a little tasting room and buying 100 percent, you know what I mean, I should stop speculating and just speak more for myself but I do think that it would backfire, there would be more pressure to get people to come physically to the vineyards I think, I just think that Long Island wine would end up pricing itself out of the market and this little slice of heaven would be, it's just, you look at wine on a global level, you go to other countries or their estates or stuff like that, this would be, a story would be written about that would be very embarrassing and very sad to be a part of I think for a very long time and I think you guys have the power to change that or at least prevent it. Yeah, I am just going to finish, another example I know people said, so you guys understand the business a bit more, in which cases people would buy grapes whether we're having an abundance of chardonnay but we don't have the distribution channel to sell it all. We don't want to keep filling our warehouse with chardonnay. You sell it to another wine maker who potentially doesn't grow their own grapes and with that cash you go into winter a little more comfortably or you go ahead and buy a grape you don't have. Another example of when you would really need to buy fruit, let's say you are comfortably in that 80/20 range but all of a sudden you have a bad year or for us, for example, it's the 45th year of the industry which Louisa started at this farm, vines typically last about 30 to 50 years, so in the near future, we are going to be budgeting to plant significantly to replant every single plot 1/3 at a time, so you are never out one in particular variety, you can each year, replant one, replant the next replant the third so that by year three or four you are hopefully getting something from that year. Obviously we need to buy a lot of fruit during that time. every single vineyard is going to go through this process of needing to shift around what they're going to have to do to prepare for the future, for the next generation of vines per se and need to supplement some of that loss of fruit, in like, I know it was mentioned here how you regulate it, I appreciate questioning how it is regulated although it does make me feel like it's not and you just do you but yeah, I mean like none of this makes sense, absolutely none of this makes sense. And I think this needs to be voted down immediately, I think there should be absolutely no limit to how much fruit you can buy, I am on your side as far as sure, if you want to have a winery, you have to grow grapes, you have to sell retail there sure but the sky should be the limit. You should be able to scale as much as you want, you should be able to become Chobani and the fact that it's not being met with overwhelming support from Southold Town is I don't know the word for it.

SUPERVISOR RUSSELL: I know you asked me a question. I just want to ask one and I know, I am trying to do again, she was right in criticizing me before, a 4,000 square foot winery, alright, very nicely laid out. It really is geared towards special events. Only a passing interest in...

MR. BORGHESE: So you have got to separate it then...

SUPERVISOR RUSSELL: That is what we are trying to do.

MR. BORGHESE: You have got to say...

SUPERVISOR RUSSELL: If it isn't perfect, that's fine...

MR. BORGHESE: You can't put the whole industry in one box. You have to handle it....

SUPERVISOR RUSSELL: I will concede that. Just so you know some of the challenges we are dealing with.

UNIDENTIFIED: Inaudible comments from audience.

SUPERVISOR RUSSELL: They are ministerial, it's not about having special events, it's about saying we are going to have a winery in an agricultural area, don't you want them to have, and to be candid, you spend a lot of money to maintain that, why would you compete against someone that's circumventing the whole process and just wants to be where you are without all that investment and time.

UNIDENTIFIED: Inaudible.

SUPERVISOR RUSSELL: But they have to grow some...

COUNCILWOMAN DOHERTY: Scott, he needs to come up to the microphone.

SUPERVISOR RUSSELL: Yes, I am sorry,

UNIDENTIFIED: Inaudible.

SUPERVISOR RUSSELL: What's that?

UNIDENTIFIED: Inaudible.

MR. BORGHESE: I will just say, we are within the 80/20, like you said, if this is passed tomorrow, it doesn't affect us. but you have to know, you are playing, I think you know better, I just think you know better that in like five years from now, like ten years from now, fifteen years from now between rising prices and property taxes, all the equipment, wages, everything that's going to squeeze that, pinch that 80/20 percent margin. You are eventually going to either rise the prices of your wine, force people to physically come out here which is going to definitely backfire on your agenda and I just, I don't know, man, I just think this is all very short-sighted. Whatever you determine tomorrow, I mean, you are not thinking about tomorrow...

SUPERVISOR RUSSELL: We are. I am going to repeat again, this does not stop any of that from happening in Southold Town, it's just a question of where you site the sales.

MR. BORGHESE: Just one thing, I know you are getting beat up here, Scott...

SUPERVISOR RUSSELL: I deserve it.

MR. BORGHESE: And I would (inaudible) I know you are a good guy, there was a point where we were concerned of being able to renew our liquor license due to estate settling, what names were involved, what names weren't involved and as far as the SLA goes. Scott, you do have an open door policy, I have always respected that of you, I just popped in and a day later you came to me with a slew of resources of how to navigate the next step. I also called Ron Goerler, I also called Gabriella Macari, eventually got the details and contact of someone who helped push us over the finish line in this very unique situation that we were in. The fact that I can go to the town and go to people within the industry should be, should be appreciated for now because it

sounds like it is getting harder and harder to do that. And it's going to become an us and you, us and them kind of thing and just, you know, before it goes that way we should try to prevent it perhaps. I am good, thanks.

SUPERVISOR RUSSELL: Thanks.

ALIE SHAPER: Good evening everyone. I am Alie Shaper, I'm a resident of Cutchogue and I am going to speak to you as a number of different entities so one is a resident, two as a local winery and business owner. I own two of them in fact. Also as a member of the Long Island Wine Council board, I have served with the board for four years. I am an outgoing board member but I'm still here until December 31st. A little bit about why I am here. My whole life depends upon wine. I started by business at the age of 33 in 2006, so this was my 12th harvest season. I started because I was lucky enough to have access to Russell Hearn's premium wine group facility. I started my company on \$50,000, 500 cases of wine and all purchased grapes. I eventually grew that to 6,000 cases on grapes that I was purchasing from here on the North Fork as well as the Finger Lakes. The fact that I can do that here is pretty spectacular. I would also like to introduce my life partner, Tim (inaudible). He is from Australia. He is here working in the industry as well. We met because of this industry. My stepchildren are here on the North Fork enjoying the time of their lives, having a lifetime experience this semester here on the North Fork. They are living with us and going to Mattituck-Cutchogue high school and they were here tonight so they could observe this process and understand more about what it means to be a part of agriculture here in the Town of Southold. My wine brands, I am technically a winery, I am licensed by the State of New York, by the New York State liquor authority, and I have a business model that is similar to a couple of my other colleagues, Adam Suprenant, Anthony Napa etc., where we purchase our grapes and then produce it at another host facility and I too would one day like to have my own vineyard and no offense, Russell, but maybe one day it will make more sense, maybe not now where it costs me less to actually operate my own facility than it is to paying the fees at premium, with all due respect. However, if that is an expansion, then I want to do and this code passes tomorrow, I am disqualified. Because I don't have \$1.2 million in my back pocket here today. My wallet right now has \$22 in it. That's just to purchase the land that is bare, that has nothing on it. I am now almost 45 years old. I still after all these years have not amassed wealth in order to afford land to buy here. Do anyone of you on the board think that I would be able to go forward with my plan to build my own winery here? Anyone? Mr. Dinizio?

COUNCILMAN DINIZIO: Well, honestly, I am still learning how you...

MS. SHAPER: I am educating you right now.

COUNCILMAN DINIZIO: I read your letter and I am saying to myself, how does she have a winery without having grapes?

MS. SHAPER: Because this is one of the many, many business models that exists throughout the world. Do you know how many custom crush wineries there are in the United States? That you can find listed online? I have counted 74 today. Did you know...

COUNCILMAN DINIZIO: What is custom crush?

MS. SHAPER: Custom crush means you buy your grapes and you bring it to a facility with who you contract to conduct your own production or to have them make it for you.

COUNCILMAN DINIZIO: Where do you sell your wine?

MS. SHAPER: Sorry?

SUPERVISOR RUSSELL: She has a tasting room in Peconic.

MS. SHAPER: I have Peconic Cellar Door on Peconic Lane...

COUNCILMAN DINIZIO: That's on Peconic Lane?

MS. SHAPER: Yes, on Peconic Lane. Yup and I also have wholesale, I first started with wholesale sales.

COUNCILWOMAN DOHERTY: You are in a commercial building?

MS. SHAPER: I am in a commercial building. However, I think it is very shortsighted to think that this code wouldn't affect the entire industry. It may not affect me tomorrow but it will affect me when the other businesses around me collapse. If there are growers who can't sustain the sale of their grapes and they go away, from where do I get mine? Where? Finger Lakes. But you know how expensive it is to transport them from Finger Lakes? I did it for many years and then I stopped. Where do I get my grapes? Where goes my business? And other producers that bring their grapes to custom crush facilities, there's another one up in the Finger Lakes of New York that operates the same way, so you see where this is going? This is going to cause a systemic collapse of our industry. I will not be able to eat. I used to be an engineer but I am not qualified to be an engineer because I have been out of the game for so long. I don't have any other industry to turn back to. My step-children will not be able to come here to visit me, I'll probably have to leave the country in order to find work in wine making somewhere else. I am sure that is not your plan. So I would also like to point out that there is plenty of definition within NYS Department of Ag and Markets laws as well as NYS Alcoholic Beverage control laws that state what a farm/winery can and cannot do in the State of New York, it does not restrict what products you can grow. To grow, to be a farmer in New York you are only required to grow ¼ acre. And you are only required to produce 50 gallons of wine. That's a micro size indeed. I bet there's a parcel of land out there that's appropriate for a micro size, I bet there's a parcel of land that's appropriate for a 4,000 square foot winery. It does depend on what the model of what that particular business is but you cannot categorize everybody into one model. Right now I am telling you about a model of wine business that you weren't aware of before. I think it would be very dangerous to approach code in a piecemeal manner especially without having a detailed understanding of what it means to be in this business. Am I correct in that? Would you agree, council members? Could I see a yes or a no or some kind of...

COUNCILMAN DINIZIO: Here's what I will do, I will answer that and I will say to you, for the past six months, we have been attempting to do just that.

MS. SHAPER: Yeah. I would like to point something out, the last 48 hours I have been reading the town website, a lot of it. The, there's only two times that the Alcohol Farm Product Working Group appeared on the agenda in the past year. One was April 11th at its inception. The other time was on August 1 which subsequently became a cancelled item. So there's not a single time it's documented in front of the Town Board when you have actually spoken, all of you, I know a

couple of you have attended the meetings yourselves, I highlighted everything, I printed out all of the minutes, so there's not a single time that the Farm Products group presented to all of you. I do know that the Farm Products group invited you to tours of the wineries, how many of you went to those? Raise your hands, please, so the audience can see. High.

COUNCILMAN DINIZIO: Right here. That's as high as it will go.

MS. SHAPER: Shoulder issue, okay. So two out of six have come out to educate themselves with an open invitation.

COUNCILMAN DINIZIO: Can I just interrupt you?

MS. SHAPER: I am not quite finished yet.

COUNCILMAN DINIZIO: I have been working in this industry, the man right behind you, sitting next to you, can tell you that.

MS. SHAPER: Yeah, yeah.

COUNCILMAN DINIZIO: Since almost its inception, my name is on the first special exception that was granted in this town...

MS. SHAPER: That's great. What does that have to do with today?

COUNCILMAN DINIZIO: I am just trying to tell you, I am educated in what you are exactly saying to me to the point where I know that you have needs and wants and I know that the business has changed drastically, okay, but when you see something on the agenda, that's just a report that we are getting, okay, the one you want to look at is Mr. Baiz's committee and...

MS. SHAPER: But we all know that this code did not come from the Ag committee nor did it come from the Alcohol Farm Products group.

COUNCILMAN DINIZIO: Let me say this...

MS. SHAPER: Mr. Dinizio, I am going to ask you to please let me speak because I am not finished.

COUNCILMAN DINIZIO: I will answer you when you are finished.

MS. SHAPER: Talking over me is not going to...

COUNCILMAN DINIZIO: I am sorry.

MS. SHAPER: It's not fair, it's not appropriate.

COUNCILMAN DINIZIO: I am sorry.

MS. SHAPER: Okay. What I want to know, where this code came from? Who wrote it?

COUNCILWOMAN DOHERTY: Can we...

MS. SHAPER: Mmmhmm.

COUNCILWOMAN DOHERTY: It's a process...

MS. SHAPER: I know it's a process, that doesn't answer the question. Who wrote the code? Who drafted it?

COUNCILWOMAN DOHERTY: I am trying to answer that, just like Jim was trying to answer you. It's a collaboration of committees and different, it goes to different committees and code committee and it's a collaboration and the end result of a proposal comes here and we flush it out in a public hearing. This is the process.

MS. SHAPER: That I understand.

COUNCILWOMAN DOHERTY: It's not the end all, it doesn't mean that, we don't have a decision when we have a public hearing, we have a public hearing to gather more information.

MS. SHAPER: Absolutely. However, it's concerning to me that it's unknown where this code came from.

SUPERVISOR RUSSELL: Can I answer?

MS. SHAPER: No, I am not finished. What I think we have to acknowledge here is that there is sentiment, that there is a big misunderstanding about how the wine industry works, what all the different models are, where we can turn to for definitions, what's allowed at the state level, if we're wine producers, under New York State law we are also allowed to grow and produce any other craft beverages defined by the farm manufacturer definitions defined in New York State law. That means you can be a distillery and grow grain. You can be a brewer and grow hops. You can be a cidery and these are all very well qualified agricultural products. It doesn't make sense to disallow the intermix of growing of products on a winery property. It is not fair, it's discriminatory to wine grape growers especially when that's not required of any other grower in the town. And I think we also have to acknowledge that this is not just a Town of Southold scenario, that this is something that affects an entire ecosystem. We have a very delicate ecosystem. It's not just about the wineries in Southold, it's about our colleagues in the town of Riverhead and beyond. What's going to happen to their families and also to their businesses and industry? I think it's important that we don't approach this code in a piecemeal fashion because as you can see, it's generated a lot of questions in people's minds tonight about what if and what's next and how can this law be interpreted? What could also be next? I also believe in the good intention of finding a way to do it but this is not the right approach to do it one little bit at time and then work out the kinks because you can see this is already a very big kink. So I think we have to acknowledge that we have a piece of paradise here that we have to be careful, we have to go about it carefully and not just pass something for the sake of passing something just for the sake of getting it done. And we have to be more proactive with one another, we have to be, and it comes from both sides, we have to be more transparent, we have to be more collaborative, we have to be less argumentative, we have disagreeing views on how the industry works, we have to educate one another. We have to provide a healthful and productive, modern and smart balance to the code and this one little piece does not cover nearly what we need to

cover. It has one little patch and we can't do a patch and a band-aid and a band-aid. So I propose to you that you withdraw this code or vote it down and come back to the drawing board with us and we fully invite you as industry members. Thank you. Did you have a question, Supervisor?

SUPERVISOR RUSSELL: No, I just wanted to clarify, the code committee actually is people within town government, the Town Board, Town Attorney, the Building Inspector, Planning. Whenever you are going to draft new code or adopt new code, you have to run it through those agents first because they are going to be administering code. It also gets cross referenced against existing code.

MS. SHAPER: Right. You do understand the concern that it's unclear who drafted it and why.

SUPERVISOR RUSSELL: I did want to clarify that it doesn't stop anybody from growing things beside...

MS. SHAPER: It's not about stopping people from growing, it's about the stunting that it creates.

SUPERVISOR RUSSELL: It just speaks to the first 10 acres. After that you can grow blueberries, whatever you want. Also the reason I didn't go on the tour, since you did ask and I didn't get to answer, my ex-wife was production manager for Pindar Vineyards, we had a very good relationship with the family, I learned more about the wine industry than I ever thought that I would need to know. Certainly I have got a lot to learn, but we are very familiar because we were very social with some of the winery owners and some of the wine makers in town.

MS. SHAPER: Okay. Well, (inaudible) when I go out and look at grapes to buy, I say are they the right grapes at the right price? You can easily get excited about (inaudible) one thing or another and something looks like a great solution and a great idea. I can't tell you, every season I have to stop myself from buying three tons of this and three tons of that because it's an interesting grape and you have to hold yourself back when you get excited, I mean, you want to produce this wine or that wine. I could produce 1,000 different wines but that would be impractical. So the saying becomes right grapes, wrong price. This is a case of right grapes, wrong price. We can't afford to fit everybody into the same box. I understand a need for a minimum acre zoning in a certain agricultural residential area. That makes sense but 10 acres is prohibitive. It is very, very prohibitive economically, it will stunt the industry. Is that something that is visible to you?

SUPERVISOR RUSSELL: The ten acres has been on the, you asked the question...

MS. SHAPER: Yeah, just because it's in the code, doesn't mean it's the right code.

SUPERVISOR RUSSELL: The ten acres has been part of the code for over 25 years. It had not, up to this point, stunted the industry.

MS. SHAPER: Yeah. Well, it is now. It is stunting it now. So just because it's been in the code for 25 years doesn't mean that it's still the right code. So that's another piece that we have to look at. So, would love to chat with you more all about that when we do go forward and work on new code that is going to replace this proposal. Thank you.

MIKE FALCETTA: I will be super quick, I promise. I just wanted to share, Mike Falcetta, I am a board member with the Long Island Wine Council. one of the scenarios where this could be really difficult with the popularity of the local movement and local wine and local grapes, if a winery that was making 2,000 cases of wine, was approached by a restaurant group outside of New York City, that they really like their wine and said, I would like you to make me 2,000 cases of wine to sell in New York City. What do those people do? can we go out and buy grapes because that would be 50 percent of my production is from my own fruit and then I go out and buy Steve's grapes if he is going to sell them to me. What do you do? Do you turn down that business opportunity? With the opportunity to (inaudible). Maybe I would plant more grapes if I knew that I was going to have that continued but if you need to plant those grapes, you need to wait a year to buy the grapes, you need to wait three years for those grapes to mature. Do you think that restaurant or that group anywhere is going to sit there and wait? No, they are going to go somebody else, so there's a perfect example of how that 80/20 can affect somebody out of nowhere.

SUPERVISOR RUSSELL: You asked the question, I don't know if I should answer. My understanding was it's a 51 percent rule now anyway, so you can buy up to 49 percent I think from, I am just trying to understand the industry. You are allowed to buy, it's 51, you have to produce, the other 49 you can get elsewhere.

MR. FALCETTA: Fair enough. If I am making 2,000 cases and I want to make 1,000 more, just trying to give somewhat of an example, that's all.

SUPERVISOR RUSSELL: I am just learning, so. Who else would like to address the Town Board?

COUNCILMAN RULAND: First of all, as the hour gets later and later, sometime we have to interject something. I've never heard the word sterling and realized I was one and it was good to see that the members in the jury box are still awake.

UNIDENTIFIED: Inaudible.

COUNCILMAN RULAND: I understand that. Grandma had the saying that there is a time to listen and there is a time to speak. I usually listen more than I speak but it is now time to speak. It is obvious to me and I should make some disclosures, I am a dirt farmer and I have been a dirt farmer for 51 years and I too have had all the animals and all the things that went on that side of it and maybe I am a better person for that today. When I came to this board ten years ago, I had made the third farmer on the Town Board. Now I am the lone farmer on the Town Board. The awesomeness of sitting in this seat and discussing whether it is this issue or something for me who is a native, was born here, was raised here and have lived here my whole life, is something that I do not take lightly because I live here, too. It's obvious to me based on the overwhelming comments tonight that while the idea of this might not be ill-conceived, the process apparently based on the amount of comment was not the right process and that the issue certainly needs to be visited again. there's no question about that and there needs to be the involvement of people with the expertise and I think that can be whether its individuals, whether its wine council, whether its farm bureau and I should disclose I have been or my family has been for 100 years, so I have been for a long time and I only say that because I can't let that and that alone affect my judgement. I have to understand what it is that people are saying and I think that as we look at this process which it appears to me is flawed, that one of the things that we can learn from

history which means whether this was developed yesterday, two weeks ago, a month ago is that it has something to teach us. It has taught us that we probably have not done the right thing and I will certainly take my share of the blame for that. As I said initially to Steve, alright, one of the things that is most important to me is the comments that people make which according to the process which is the next to the final step. But now we see that this step needs to be extended, in my mind, I am speaking for myself and not for my colleagues but in my mind. I am looking at saying we need to go back to the drawing board with the people that we have, with the suggestions that have been made and with the help of people that are willing to help, and listen to both sides, hear our concerns and come to a consensus that many people have spoke about tonight. It's extremely obvious to me that a consensus is going to bring something that might not be totally acceptable to everyone but as far as the industry goes, it's acceptable in the industry. My chance to respond to the lady who spoke before. I didn't go on the winery tour because I am familiar with the first winery and I have known the people since they moved here. I have friends in the industry and we share a lot of the same things. We till the soil, just in different ways. And while that alone doesn't drive the discussion for me because my obligation as was said by someone before, is to all the people of the Town of Southold and we hear these things, well, you only care about the people who voted for you, well, if anybody knew me, that just isn't the case, I am not that way, never have been. Been involved in public service for a long, long time. it's not my, I am looking at the facts and the facts are telling me tonight, that one, no, I wouldn't vote for this as it is tonight but I am reticent to do anything other than table it because I want to keep the process moving. If it would have been withdrawn, I am afraid this thing is going to hit a bump in the road and die. There are issues on both sides that are obvious that need to be discussed and the time to discuss them is now and the reason you have something that is tabled that needs to be modified, it needs to go back to code committee at some time but I think it needs more input for the Alcohol Farm Product Working Group, the Ag Advisory Committee and the people with expertise in the industry. However those people are organized to give us bona fide representatives that we can go in a room and have a discussion and that's all I have to say.

UNIDENTIFIED: Inaudible.

COUNCILMAN RULAND: If you're....

UNIDENTIFIED: Inaudible.

COUNCILMAN RULAND: May I answer you? I wouldn't have a problem with withdrawing. But I think everybody has to understand, it has to be dealt with. And if that's a fair compromise, as long as everybody, this is in my mind, alright? I am not speaking for colleagues, if everybody understands it has to move forward, the discussion especially alright, to address all the concerns that have been brought up and many of them, the concerns were very similar so the focus isn't the whole universe, the focus is pretty well defined.

COUNCILMAN GHOSIO: I would like to make a few comments also. First off, I want to acknowledge that I find it enlightening and a little bit fascinating that your industry was able, the folks in your industry came and supported each other the way they did tonight in such a global fashion. I, like you, am involved in business. I own an oil delivery company, fuel oil company. like you, I am regulated very, very closely by various entities, governmental and otherwise because I deliver a hazardous material. Anytime that these kinds issues come up or anything that could affect my industry or affect my business, like you I have, I am a member of groups, they will get together and they will lobby and testify about the industry to the various governmental industries that regulate us. But rarely do I see such a uniform response from my cohorts and

colleagues in my own industry. So I find that fascinating, I appreciate that you get along as well as you do and you help each other in that regard. I do want to say that some of the things that I have heard tonight for example, one thing about agriculture and I think I have heard this from Chris many times you know, change is constant, right. Well, it's not just in your industry, it's in most businesses. We also spoke about and you spoke about the need to be able to have young people be able to afford to get into the agriculture business. Well, I think it's a great idea but I don't see it being any different than any other industry. Frankly, I was 52 years old before I got to the point in my life when I could purchase my own business. I couldn't do it in my 20's, I couldn't do it in my 30's and I couldn't do it in my 40's. Some people think I am crazy for doing it at such a late time in life but what the heck? The point I guess I am trying to make is we all have obstacles to get over and you know, I am not necessarily sure that it is the town government's responsibility to make that any business or any industry in town any easier than any other business to get into I guess is my point. We all have those obstacles that we have to overcome and the other thing I would like to mention is that a lot of the questions that came up, well, what's driving you to do this? Or what's driving you to even want to consider doing this and I at least want to just recognize or ask you to recognize that there was a good amount of people, your neighbors and friends that didn't come tonight to speak for or against this in its present form but that being said, there are those folks, a contingent of our community, that is worried about unbridled growth of this particular industry. I am not hearing complaints and as you all know, I just came off a campaign, a very well fought campaign and I didn't hear anybody complaining about potato farmers or cauliflower or squash. The complaints that I was hearing was what are we going to do about the wineries? And that's just a realistic point of view from somebody who hears it from other people who aren't necessarily in the room tonight. That's the driving force, I believe, in our acknowledging that there are issues that we need to address, not just for you folks but for the rest of the community as well. And that's where this comes from. This doesn't come from a nefarious place where any one of us, at least I can speak for myself, I can't speak for my colleagues, that we are anti-winery. But we just recognize the fact that there are people that are worried. Not just about one bad player either, it's about the fear of unbridled growth that's changing the fabric and the way our community looks, despite the fact that we all want to support agriculture and that that's been a major part of our history but there is that fear that they have as well and I think it's fair to acknowledge that. Aside from that, do I necessarily think that this is the exact way or the exact code that we need to pass? Based on a lot of the input that we got tonight, I am not exactly sure that this is the way to go. But I am certainly appreciative of the fact that you folks came here, helped educate us and to give us things to think about that we didn't have before. I will also say that it is very telling that the process works. We put something out there, it drove the discussion and ultimately, in the end, hopefully, will produce something that we can all live with. That's it.

COUNCILWOMAN DOHERTY: I am not a farmer. Don't come from farming family, I grew up on the water. My grandmother used to bring scallops to Seps and trade them for cauliflower, to Pete's grandmother. They were friends and you know, that's community. You trade, you help out, you do. My mother would come over and when your grandmother was sick, she's a nurse, and she would check on her and then always come home with vegetables. I mean, we depend on the farming industry for everything and my background is bookkeeping and business and I have a business mind and this was in code committee, I asked some questions, well, let me put it this way, the perception that I had of what this code did is obviously different than the perception of what all of you have by reading it. And by having such a difference, I feel we failed in writing this code because it's not, a lot of the comments that were made tonight were not the intent of what we were trying to do here, that I feel. I can only speak for myself. And I think that we

need to take more time, get more input from you, get something that works because I for one do not want to tell you how to farm. That's not what we are here for. We are here to administer zoning and make sure it's properly done. And you know, we want to make sure with agriculture, that's ever changing, it's farming, it's next to residential areas but it can become agritainment. And we need to, you need to constantly re-form your business to stay in business but we also want to make sure we don't have a Route 48 again. this code is not specifically about Route 48 but Route 48 opened all of our eyes and it stunned us as much as it stunned you and we need to put regulations in place to protect all of us, to protect you from your working, your growing your farm, you are working hard and you don't want somebody to come in and just throw some money at some things and do some weddings and kind of dismiss all the work that you have been doing in farming, so we are trying to protect the farming way of life out here. Yes, it's constantly changing but it doesn't need to, we want to keep the way of life here and we want to make sure that you're able to continue to farm and operate your business and be successful at it and a few bad apples can ruin that for everybody and that's what we are here for, to make sure that doesn't happen. That said, we need your help, we need your input and I think we should withdraw this and go back and a year ago, before we did the committee, I suggested something and I suggested the other night to these board members that maybe we should schedule, every other week, a meeting at the same day, same time and every other week for three months, six months, just keep, you know, have an agenda at each meeting and get that part done, get that part done and just, so we can have, so it keeps going on, so it doesn't get dropped and we can work at it because you can't, it's so big and there's so many different changes, we were trying to formulate something so then we have a little better understanding so when we continue the conversation and keep making the changes, obviously this is not working this way or at least this definition isn't. So we need to keep working at this and we need to formulate trust between us, to know that we are working together for all of us.

SUPERVISOR RUSSELL: Look, there's a couple of things, first and foremost, look, I understand there might be some apprehension or outright opposition and there's a couple of issues I had said earlier, I do want to revisit the processing, whether it's on site or not. The 80/20, that number has been moving a lot. I am going to tell you right now, if some of you expect me to say you shouldn't have to process anything or if we don't have the right to make you plant grapes to some extent, I am not your guy because I am going to disappoint you because I think we have the right to do that if you want to have a winery. I also think 10 acres has worked for over 25 years, I am not willing to budge off 10 acres. I am willing, however, like I said at the beginning of the meeting, is to say look, there's two separate segments here. There's a full service winery attendant, special events and all those things and the small scale niche type of things that I had said right at the beginning and I said to Louisa and others, we really need to hunker down and start defining those, they are problematic. These are commercial uses on much smaller lots, so we have to be very thoughtful when we do it but I was always willing to visit that. I made that clear. And for a lot of people that were commenting, I think that was probably more in line with what your goals are. And yes, Louisa is right, she called me out, I did talk a lot, I admit that, I tried to bite my tongue. I got a little bit better later on but you know, just so, you know, some people in this room I have been working with for 20 years and you know me, I am at least engaged in the process and I am not just going to sit here with a blank stare and then do whatever the hell I want. You guys know I have never done that. So and this conversation wasn't new tonight, it's been going on sometime with many of you individually and as groups. The one last thing I am going to say, the suggestion that people are afraid to speak because government is going to punish them somehow is baseless, it's an insult to every professional that works at town hall and there's not one example of it, certainly not in the 12 years I have been

here. I find that absolutely abhorrent, absolutely. I am sorry but my relationship with you guys has been going on a long time, you have come to me whenever you have needed something, I have always responded well. The idea that we are going to run around with these secret plots is just abhorrent that it was even suggested. That's the only insulting thing I took out of this whole thing. Everything else, that's fair. I understand it. there's apprehension and opposition but I do think something needs to be done and the two things I would say that, the two unfortunate things were that people misconstrued this and accused it of doing things it wasn't going to do and also all the people that stop me at IGA and emailed me and said thank god you are doing something about the wineries. They are wrong, too. This wasn't about that. this was trying to get agriculture back into the agricultural zone and then the attendant things that come with that which would be a winery. But at any rate, I am done, Jim. Your turn.

COUNCILMAN DINIZIO: Well, I really mostly agree with Scott, you know, I am just going to give you my personal view. You can grow grapes, you can pick them, you can process them, ferment them, bottle them on any piece of land you want. It doesn't make any difference to me. Sell? That's where it gets sticky. Okay? Because some of the marketing technics are very cumbersome for the town to enforce. Vineyard 48, we were there 44 times within three months. That's weekends, okay? They don't open during the week. We had 12 pending court citations for that vineyard the day that they closed. It's a lot of work, okay. It's a lot of listening to people, the neighbors, it was a lot of work to do that. That's what I am seeing. And I really didn't hear much of anybody addressing what it is they need for special events in order to make a living, okay? My personal feeling is, I just don't want to hear the band at 11:30 at night. I am sorry, I don't think that should be allowed in any residential zone and that that band should even be outside that late at night. But we need to come to some conclusion on that because that's a real sticking point. Besides that, go have your thing, do your thing. Let me know what you need, honestly, when I saw this law, there was no way I was ever going to vote for it, okay. It just wasn't going to happen but it's here, we presented it. As far as the process is concerned, again, I have been in government for a long time. The process we set up is the process that we have to set up. Now there were 8 meetings of that committee, my assumption is when we, when Benja mentions code committee, that's where we all sit and we listen to the result of that committee. Now whatever shenanigans went on, I am unaware of. I listened to the chairman of that committee tell me what he wanted. I disagreed with some of the stuff, okay, the 80/20 was one of the things I disagreed with. And I told him so, okay, and I asked him to go back. I wanted to base it on the, you know, the process that you guys use which is that North Fork label. And quite honestly, if you were willing to follow that North Fork label, you get a certain something more than the guy who is not. I think that's only fair. The ten acre thing is the minimum, in my opinion, is the minimum that you could have in order for you to get all the goodies: the special events, the big money making stuff. Okay. you know, describing somebody that's got 10 acres is only going to plant the five in grapes and put up a 4,000 square foot building, okay, he is going to qualify for all the goodies and not do any of the other stuff, you know, that doesn't help the guy who is doing it right. it doesn't help Lenz, it doesn't help Pindar, it doesn't help because all of a sudden now anybody that owns 10 acres and is not growing the grapes could just buy wine by the truck load somewhere and I don't know, I don't think that's good for your industry. Maybe it is, maybe you are okay with it, but I, what I am hearing is hey, if everybody follows the rules, we could all make some money here. Honestly, when it comes right down to it, that's what it's all about. Okay? But I don't want to restrict anybody, I think the process was pretty good. I apologize if I offended anybody, I can't learn unless I ask questions and I have got to tell you, I look at this audience and I say, I have an opportunity and I am going to take it. so I push a little hard, I know I do, you heard Scott, how long am I going to talk? I do it all the time. but I

want to know, I need to learn, it's the only way. I can't do it any other way and I have passion, there's a man over there sitting out in that audience that will tell you about my passion. Okay? Sometimes it gets out of hand, so I apologize for that. I don't mean to make that meeting go but just understand that we all work very hard at this and we thought, I thought anyway, that the process was followed. If it was not, I don't know how we get out of that. but we did have eight meetings. My assumption was that the people who deal with alcohol farm products would show up to that meeting, at least send a representative to represent them. I think you guys need to do your homework on that end and we need to do better. Obviously we didn't learn what the industry was until tonight and I welcome it. I welcome the information. So thank you very much for coming.

RESULT: CLOSED [UNANIMOUS]
MOVER: Jill Doherty, Councilwoman
SECONDER: Robert Ghosio, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Ghosio, Russell
ABSENT: Louisa P. Evans

Closing Comments

SUPERVISOR RUSSELL: I know this is probably a bad time, but would anyone like to address the Town Board on any other issue? (No response)

Motion To: Adjourn Town Board Meeting

RESOLVED that this meeting of the Southold Town Board be and hereby is declared adjourned at 1:16 A.M., Wednesday, December 6, 2017

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Elizabeth A. Neville
Southold Town Clerk

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