



~ Agenda ~

Regular Town Board Meeting of February 28, 2017 Southampton, New York

I. Pledge of Allegiance

II. Call to Order

6:00 PM Meeting called to order on February 28, 2017 at Town Hall - Auditorium, Main Level, Southampton, NY.

Attendee Name	Present	Absent	Late	Arrived
Supervisor Jay Schneiderman	
Councilwoman Julie Lofstad	
Councilwoman Christine Preston Scalera	
Councilman John Bouvier	
Councilman Stan Glinka	

III. Minutes Approval

1. Special Town Board Meeting February 7, 2017 6:00 PM
2. Regular Town Board Meeting February 14, 2017 1:00 PM

IV. Communications

A. Public Notices

1. **Town of East Hampton**
 Public Hearing Notice, CH 240 (V&T) Schedule VIII: Stop Intersections
2. **Town of Riverhead**
 Public Hearing Notice, CH 289 (V&T) Article II: Traffic Regulations
 Public Hearing Notice, CH 265 (Sewers) Article IV: Use of Public Sewers
3. **Town of Southold**
 Notice of Adoption, CH 280 (Zoning) Demolition
4. **Village of Sag Harbor**
 Public Hearing Notice, CH 300 Gross Floor Area in R-20 and OD Districts
5. **Liquor License Applications/Renewals**
 1. Art of Eating, Bridgehampton
 2. Estia's Little Kitchen, Sag Harbor

6. Letters/Petitions/Land Use Applications

Letters/E-mails/Petitions regarding the following:

1. Hampton Bays CAC Roles & Responsibilities
2. The Hills MUPDD, East Quogue
3. Speonk Commons Change of Zone, Speonk
4. Tuckahoe Center Change of Zone, Tuckahoe

Zoning Board of Appeals Application:

1. 17 Ludlow Lane, Hampton Bays

B. Bid Openings

1. Bid Opening (February)

Town-wide Line Striping & Markings (2/15/17)

1. Seneca Pavement Marking, Inc. - \$.0388 per lin ft.
2. Safety Marking, Inc. - \$.052 per lin ft.
3. Hi-Way Safety Systems, Inc. - \$.0409 per lin ft.

Portable Restroom Trailer (2/22/17)

1. Portable Restroom Trailers, LLC - \$44,260.00
2. Direct Drainage, Inc. - \$49,990.00

V. Public Hearings

1. Public Hearing Speonk Commons Change of Zone Application

Ú Vote Record - Motion						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adjourned .. Closed	Jay Schneiderman	..	..	..	..
	Julie Lofstad	..	..	..	..
	Christine Preston Scalera	..	..	..	..
	John Bouvier	..	..	..	..
	Stan Glinka	..	..	..	..

VI. Public Portion

VII. Town Board Resolutions

Town Board Resolution 2016-1050

Category: Agreements, Contracts, Leases
Sponsors: Supervisor Jay Schneiderman
Department: Land Management

Authorize the Supervisor to Execute Amendment #11 of the 2011 Amended Groundwater Monitoring Protocol and the Natural Resource Management Plan Amendment for The Bridge Golf Course (formally known as Golf at the Bridge)

WHEREAS, the Town Board of the Town of Southampton adopted Resolution No. 2011-677 to execute the 2011 Amended Groundwater Monitoring Protocol and the Natural Resource Management Plan Amendment of the Bridge Golf Course (formally known as Golf at the

Bridge); and

WHEREAS, pursuant to the Protocol, Section VI.B.1. (Response triggers, Nitrate-Nitrogen, Wells) as stated on page 50 of the 2011 Amended Groundwater Monitoring Protocol is as follows:

"The management response for the perched well PW-1 is 10 ppm. In addition, if the nitrate concentration in PW-1 exceeds 5 ppm for two consecutive semi-annual events, then the well water will be pumped off (using a submersible pump >20 gpm), discharged into the nearby holding pond, and the discharge water will be sampled for N and the S150 pesticides. If this happens, then the submersible pump could be used for future sampling instead of the low-flow system, i.e., the low-flow pump does not have to be reinstalled into PW-1."

WHEREAS, The Bridge Golf Course Consultant, LaJan Barnes, Hydrogeologist, of Environmental & Turf Services, Inc., requested the Town's consultants, A. Martin Petrovic and Thomas Cambareri, who assist the Town in the oversight of the subject management plan, discuss the issues/concerns with the detailed procedures for "Pumping Off" well water and Sampling Change in PW-1 in an e-mail correspondence dated October 30, 2014; and

WHEREAS, The Bridge Golf Course Study Director, Stuart Z. Cohen, Ph.D., CGWP President of Environmental & Turf Services, Inc., in correspondence dated January 27, 2015/ revised October 14, 2016, has requested an amendment to the 2011 Amended Groundwater Monitoring Protocol and the Natural Resource Management Plan known as Amendment #11 - Detailed Procedures for "Pumping Off" well water and Sampling Change in PW-1; and

WHEREAS, pursuant to the Town's consultants, A. Martin Petrovic, Ph.D., and Thomas Cambareri, "the pump-off test conducted after two sampling events of >5 ppm confirms that the perched water table is not an effective aquifer since it cannot sustain a viable amount of water. Thus it cannot be used as an irrigation source nor pumped off for renovation in the pond or any other option. The trigger was changed to 10 ppm. The perched area impedes vertical flow where less-diluted nitrogen is held in the fine grained deposits. Since we don't know the extent of the perched water-table or how it interacts with the principal aquifer, continued monitoring at a reduced frequency for nitrates would be appropriate; annual might suffice."; and

WHEREAS, after the Town's consultants review of Amendment #11, it was recommended via e-mail correspondence dated December 1 & 9, 2014 to continue the annual sampling for nitrates and not resample every time it is above 5mg/L. If however, the results would exceed 10 mg nitrate-N/1, then a more thorough investigation should be initiated to determine the reasons for higher nitrogen levels and if other wells are also experiencing higher nitrogen levels; and

WHEREAS, it was further recommended by the Town's consultant, A. Martin Petrovic, Ph.D., via correspondence dated March 31, 2015 and to the Town Board at the October 27, 2016 Town Board Work Session that these changes in no way diminish the rigorous nature of the groundwater quality monitoring and groundwater protection programs for The Bridge Golf Course; and

WHEREAS, the purpose of this Protocol Amendment is to provide detailed procedures that will be used to implement a specific but unclear component of the 2011 Amended Protocol; and

WHEREAS, this protocol amendment mechanism is consistent with good laboratory Practices under the pesticide law, FIFRA (40 CFR Part 160); and

WHEREAS, the "Study Director" is identified in Schedule C (the Protocol) of the Declaration of Covenants and Restrictions as Stuart Z. Cohen, Ph.D., CGWP President of Environmental & Turf Services, Inc., who has been employed by the applicant to perform the ground water tests and prepare technical reports on his findings on the golf course operation as it pertains to the Protocol; and

WHEREAS, based on the analysis outlined in his January 27, 2015/revised October 14, 2016 correspondence, Dr. Cohen requested the Protocol be amended; and

WHEREAS, based on the Town's consultant's review and recommendations contained in the December 1 & 9, 2014 e-mail correspondence, the Study Director has prepared Protocol Amendment #11 - Detailed Procedures for "Pumping Off" Well Water and Sampling Change in PW-1 as an amendment to the Ground Water Protocol for Golf at the Bridge: Amended 2011; and

WHEREAS, pursuant to the recorded Declaration of Covenants and Restrictions, the Groundwater Monitoring Agreement, the requested amendment #11 to the Protocol by Dr. Cohen requires written approval by the owner of the golf course, the Study Director, the Suffolk County Water Authority and the Town of Southampton; and

WHEREAS, Suffolk County Water Authority has reviewed and recommends approval of Amendment #11 - Detailed Procedures for "Pumping Off" Well Water and Sampling Change in PW-1 as an amendment to the Ground Water Protocol for Golf at the Bridge: Amended 2011; and

WHEREAS, the Town's consultants, A. Martin Petrovic, Ph.D., and Thomas Cambareri, and the Town Planning and Development Administrator have reviewed said Protocol Amendment #11 of the 2011 Amended Groundwater Monitoring Protocol and the Natural Resource Management Plan for The Bridge and recommend the Supervisor of the Town of Southampton to execute said Amendment; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southampton authorizes the Supervisor to execute Amendment #11 of the 2011 Amended Ground Water Monitoring Protocol and the Natural Resource Management Plan Amendment for The Bridge Golf Course, to be reviewed by Contracts Compliance prior to Supervisor signing.

HISTORY:

11/09/16	Town Board	TABLED	Next: 11/22/16
11/22/16	Town Board	TABLED	Next: 12/13/16
12/13/16	Town Board	TABLED	Next: 12/27/16
12/27/16	Town Board	TABLED	Next: 01/10/17
01/10/17	Town Board	TABLED	Next: 01/24/17
01/24/17	Town Board	TABLED	Next: 02/14/17
02/14/17	Town Board	TABLED	Next: 02/28/17

Financial Impact:

NONE

Ü Vote Record - Town Board Resolution RES-2016-1050						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2016-1160

Category: Local Laws
Sponsors: Schneiderman, Glinka, Bouvier
Department: Town Attorney

Resolution of Adoption Authorizing Amendments to Town Code Chapter 205 (Waste Management) (i) Repealing §205-6(D)(3) as it Relates to Disclosure Requirements, and (ii) Replacing References to “Permit” or “License” in Chapter 205 with “Registration”

WHEREAS, the Town Board of the Town of Southampton is considering amending Town Code Chapter 205 by (i) Repealing §205-6(D)(3) as it Relates to Disclosure Requirements, and (ii) Replacing References to “Permit” or “License” in Chapter 205 with “Registration”; and

WHEREAS, a public hearing was held on December 13, 2016, at which time any and all persons either for or against the amendments were heard; and

WHEREAS, the Department of Land Management has advised the Town Board that this proposed local law is considered a “Type II Action” under 6 NYCRR Part 617.5, provisions of the New York State Environmental Quality Review Act (SEQRA) and Chapter 157 of the Town Code, and that no further review under New York Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Local Law No. ___ of 2016 is hereby adopted as follows:

LOCAL LAW NO. ___ Of 2016

A LOCAL LAW amending Town Code Chapter 205 (Waste Management), by (i) repealing section 205-6(D)(3) requiring applicants to disclose prior convictions and (ii) replacing references to “permit” or “license” with “registration”.

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

SECTION 1. Legislative Intent.

In April, 2015, the Town Board of the Town of Southampton updated Town Code Chapter 205, which addresses the Town’s landfills and transfer stations, to reflect both present practices as well as the requirements of Solid Waste Management within the Town of Southampton. In re-writing the chapter, the Town sought to protect and promote the health, safety, and welfare of its residents by: (i) controlling the storage and disposal of

solid waste generated within the Town, (ii) implementing the Town of Southampton Solid Waste Management Plan, (iii) complying with the requirements and furthering the purposes of the New York State Solid Waste Management Act, and (iv) protecting the surface waters and drinking water supply in the Town of Southampton.

In doing so, the Town Board found it necessary to also introduce a program to track and monitor disposal information from those refuse haulers or carters who are engaged in the business of collection, pick-up, transfer, removal, and/or the disposal of solid waste and/or recyclables within the Town. By requiring such information, the Town, and in particular, the Department of Waste Management, would be better able more effectively develop future solid waste management policy with an improved understanding of the needs and best interests of the Southampton Community. The permit program enacted in Chapter 205 required the provision of certain information from applicant companies, including, a vehicle list, vehicle registrations, names of officers, a list of prior criminal convictions of applicants, total estimated weight of the past year's collections, types of materials to be hauled.

The stated purpose and intent of the new Waste Management permitting section (§205-6) is to track and monitor disposal information. Collecting information concerning prior convictions of applicants does not further this purpose. Therefore, in keeping with the purpose and intent of the chapter, the requirement currently codified in section 205-6(D)(3) will be deleted. In addition, in order to clarify that the program provides for registration, not discretionary licensing, of all applicant firms that provide the required information, references in the chapter to "permit" or "license" will be amended to read "registration".

SECTION 2. Amendment.

Town Code §205-2 (Definitions) of Chapter 205 (Waste Management) is hereby amended by deleting the stricken words in the following definitions, and inserting the underlined words as follows:

§205-2. Definitions.

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

COLLECTION VEHICLE

Any vehicle ~~licensed~~ registered by the Town of Southampton Waste Management Division to operate commercially within the Town for the purpose of collecting and transporting garbage, rubbish, ashes, refuse, liquid waste or recyclable material or any other waste material, except hazardous waste, as defined pursuant to regulations promulgated under the New York State Environmental Conservation Law, Article 27, and/or the Federal Resource Conservation Recovery Act (RCRA) of 1976.

~~PERMITTED~~ REGISTERED CARTER

Any individual, association, partnership, firm, corporation, not-for-profit organization, or any other person ~~permitted by~~ registered with the Town of Southampton to operate within the Town for the purposes of collection, pick-up, transfer, removal and/or disposal of Solid Waste and/or Recyclables.

SECTION 3. Amendment.

Town Code §205-6 (Permit required for commercial and/or private waste haulers/carters) of Chapter 205 (Waste Management) is hereby amended by deleting the stricken words and

adding the underlined words as follows:

§205-6. Permit Registration required for commercial and/or private waste haulers/carters.

Pursuant to New York State Department of Environmental Conservation (DEC) requirements:

- A. All Commercial haulers/carters must obtain a solid waste collection ~~permit~~ registration from the Town of Southampton. A fee for such ~~permit registration~~ shall be set by the Town Board on an annual basis, and all ~~permits registrations~~ shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a ~~permit registration~~ issued after the beginning of any calendar year.
- B. No person, company, corporation, partnership, or other entity, except as hereinafter provided, shall remove any solid waste, garbage, refuse, recyclable material, or rubbish of any kind from the premises of any person, firm, or corporation, or cart or transport the same through or upon any street, avenue, parkway, or highway within the Town unless such person shall have first obtained a ~~permit registration~~ from the Town of Southampton Division of Waste Management, as hereinafter provided. No such ~~permit registration~~ shall be required for persons under contract with the Town who, pursuant to such contract, are transporting solid waste from a Town facility outside the Town to a recycling facility.
- C. ~~Permitted Registered~~ Registered and authorized haulers/carters shall offer collection services for all recyclable materials to all residential customers for whom they provide household solid waste collection services.
- D. An application form with information required for a hauler's/carter's ~~permit registration~~ shall be provided by the Town. The applicant shall complete the form either online and/or in writing; the application shall contain such information as requested by the Town Board but, at a minimum, shall include:
 1. A list of all vehicles, including vehicle license numbers, the applicant intends to utilize for the collection of Solid Waste and/or Recyclables in the Town of Southampton;
 2. The names and addresses of all partners, limited or otherwise, if the applicant is a partnership, or of all officers and directors and shareholders, if the applicant is a corporation;
 3. A detailed account of the total estimated weight of refuse and recyclables by type within the last 12 months collected by the applicant within the Town of Southampton;
 - ~~4. The applicant shall provide a record of a prior conviction or convictions of any crime for which the applicant plead or was found guilty. If the applicant is a corporation, partnership or other business entity, it shall also provide a record of a prior conviction or convictions of any crime for which it plead or was found guilty.~~
 - ~~5~~ 4. Written certification by the Owner that all vehicles have passed New York State Department of Motor Vehicle (NYS DMV) Inspection and that compacting collection vehicles are completely enclosed and water tight.

- 6 5. The make, year, model of chassis, body style, volume, tonnage capacity, color and state vehicle registration number of each such vehicle.
 - 7 6. The hamlet or area in which the applicant intends to operate within the Town of Southampton.
 - 8 7. The type of material(s) intended to be hauled by the applicant (i.e., MSW, Recyclables, Construction and Demolition Debris)
- E. The Division of Waste Management shall issue the applicant a carter ~~permit~~ registration so long as the application is deemed complete and the applicant is deemed by the Division of Waste Management to be in compliance with all applicable laws and provisions herein. Applicant shall provide a certified check or credit card payment in the amount of the ~~permit~~ registration fee as determined by the Division of Waste Management. The Division of Waste Management shall issue a plate or tag for each truck used by a ~~permittee~~ registrant hereunder. Such plate or tag shall be securely fastened and displayed at all times in a conspicuous location on each such truck. Failure to display said tag or plate in a conspicuous place on any truck shall be deemed a violation of this section.
- F. The renewal of a hauler/carter ~~permit(s)~~ registration(s) shall be in the same manner and subject to the same conditions as the issuance of the original hauler/carter ~~permit(s)~~ registration(s), and shall be subject to any additional requirements in effect at the time an application for renewal is filed.
- G. All collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be in strict conformance with the rules and regulations prescribed herein. Said rules and regulations may be amended or supplemented from time to time by the Town Board.
- H. The name of the Carter shall be readily visible on all vehicles and containers utilized for the collection of Solid Waste and/or Recyclables generated within the Town.
- I. Any hauler/carter ~~permit~~ registration issued pursuant to this chapter shall be a privilege, subject to the terms and conditions set forth herein and as amended or supplemented by the Town, and shall not be deemed to create a property interest therein.

SECTION 4. Amendment.

Town Code §205-8 (Refuse Hauler/Carter Permit Fees) of Chapter 205 (Waste Management) is hereby amended by deleting the stricken words and adding the underlined words as follows:

§205-8. Refuse Hauler/Carter ~~Permit~~ Registration Fees.

The fees for Refuse Hauler/Carter ~~permits~~ registrations working within the Town of Southampton shall be determined, and amended from time to time as needed, by Town Board resolution.

SECTION 5. Amendment.

Town Code §205-9 (Penalties for offenses) of Chapter 205 (Waste Management) is hereby amended by deleting the stricken words and adding the underlined words as follows:

§205-9. Penalties for offenses.

- A. In the event of a violation of this chapter, the Town may order compliance and issue a written notice of violation, to be served personally or by certified mail on the violator.
- B. Upon a finding of a violation, the Town shall have the power to impose a civil penalty, suspend, or revoke a hauler/carter ~~permit~~ registration granted or renewed pursuant to this chapter for any violation of any provision herein or any applicable rule, regulation, code or ordinance relating to the collection, handling, hauling, or disposal of Solid Waste and/or Recyclables.
- C. An appeal of any of the actions described in (B) above shall be governed by Article II of Town Code Chapter 143 to the Licensing Review Board.
- D. In addition to, or as an alternative to any penalty provided herein or by law, any person who violates a provision(s) of this chapter shall be guilty of a violation punishable by a fine not exceeding \$1,500, or imprisonment for a period not to exceed six months, or both for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,500 nor more than \$3,000, or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$3,000 nor more than \$5,000, or imprisonment for a period not to exceed six months, or both. However for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed unclassified misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each days continued violation shall constitute a separate additional violation.

SECTION 6. Authority.

The Town Board hereby amends Town Code Chapter 205 pursuant to General Municipal Law §120-aa and Municipal Home Rule Law §§10(1)(ii)(a)(11) and (12), as well as §10(1)(ii)(d)(3).

SECTION 7. Severability.

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

SECTION 8. Effective Date.

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

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that, after a public hearing was held by the Town Board of the Town

of Southampton on December 13, 2016, the Town Board, at their meeting of December 13, 2016 adopted LOCAL LAW NO. ___ OF 2016 as follows: "A LOCAL LAW amending Town Code Chapter 205 (Waste Management), by (i) repealing section 205-6(D)(3) requiring applicants to disclose prior convictions and (ii) replacing references to "permit" or "license" with "registration".

Summary of Proposed Law

The purpose of this local law is (i) to clarify the purpose of the carter registration program for those refuse haulers or carters who are engaged in the business of the collection, pick-up, transfer, removal, and/or the disposal of solid waste and/or recyclables within the Town of Southampton and (ii) update requirements necessary for carters to register with the Town of Southampton.

Copies of the proposed law, sponsored by Supervisor Jay Schneiderman, Councilman Stan Glinka and Councilman John Bouvier, are on file in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF SOUTHAMPTON, NEW YORK
SUNDY A. SCHERMEYER, TOWN CLERK

HISTORY:

12/13/16	Town Board	TABLED	Next: 12/27/16
12/27/16	Town Board	TABLED	Next: 01/10/17
01/10/17	Town Board	TABLED	Next: 01/24/17
01/24/17	Town Board	TABLED	Next: 02/14/17
02/14/17	Town Board	TABLED	Next: 02/28/17

Financial Impact:

None.

ü Vote Record - Town Board Resolution RES-2016-1160						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-116

Category: Agreements, Contracts, Leases
Sponsors: Supervisor Schneiderman, Councilman Bouvier
Department: Central Purchasing and Contracts Compliance

Authorize the Supervisor to Execute an Inter-Municipal Agreement with Village of Southampton for Farmland Parcels located at Aldrich Lane and nearby North Sea Road

WHEREAS, the Town, by its Community Preservation Department acquired these parcels of 5.7 acres on August 16, 2001 pursuant to Town Board Resolution 2001-965 in an amount of \$1.6 million which are now owned by the Town and Village of Southampton, these lots are known and designated by SCTM#904-4-2-29 and 34 located on Aldrich Lane in the Village of Southampton; and

WHEREAS, these parcels were added to the Farmland Preservation Target Area of the CPF Project Plan as an appropriate sites for farming due to the presence of prime agricultural soils; and

WHEREAS, the Town, by its Community Preservation Department also acquired a 1.5 acre parcel located on nearby North Sea Road on November 11, 2011 pursuant to Town Board Resolution 2011-1231, this parcel is known and designated by SCTM#904-4-2-36.1 and which was added to the Farmland Target Area of the CPF Project Plan as well with the intention of combining it with the 5.7 acres for a permitted farmland use; and

WHEREAS, the Town is desirous of entering into an Inter-Municipal Agreement (IMA) with the Village of Southampton for these 7.2 acres of farmland for the purpose of providing community farming opportunities; and

WHEREAS, under this IMA, the Village of Southampton shall have the right to enter into license agreements with not for profit organizations to provide community farming opportunities on the land, which license agreements must be approved by the Town; and

WHEREAS, Village acknowledges that all uses must comply with the provisions of Town Law 64-e and Chapter 140 of the Southampton Town Code; now therefore, be it

RESOLVED, that the Town Board of the Town of Southampton hereby authorizes the Supervisor to execute this mutually beneficial Inter-Municipal Agreement with the Village of Southampton to steward, operate and manage these farmland parcels at Aldrich Lane and nearby North Sea Road; be it

FURTHER RESOLVED, that this agreement will be prepared by Contracts Compliance, there is no financial impact for executing this agreement.

HISTORY:

02/14/17 Town Board TABLED Next: 02/28/17

Financial Impact:

NONE

Ú Vote Record - Town Board Resolution RES-2017-116						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-173

Category: Local Laws
Sponsors: Supervisor Jay Schneiderman
Department: Town Attorney

Resolution to Adopt Amendment to Town Code §123-16 as it Relates to Updated Certificates of Occupancy

WHEREAS, the Town Board is considering amending Town Code §123-16 as it relates to updated certificates of occupancy; and

WHEREAS, public hearings were held on December 27, 2016, January 10, 2017; and February 14, 2017, at which time all persons either for or against said amendments were heard; and

WHEREAS, the Town of Southampton Department of Land Management has reviewed the provisions of the New York State Environmental Quality Review Act (SEQRA) and Chapter 157 (Environmental Quality Review) of the Town Code and has advised that the proposed action meets the criteria of a "Type II Action"; now, therefore, be it further

RESOLVED, that Local Law No. ____ of 2017 is hereby adopted as follows:

LOCAL LAW NO. OF 2017

A LOCAL LAW amending Town Code §123-16 as it relates to certificates of occupancy.

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

Section 1. Legislative Intent

The Town Board of the Town of Southampton seeks to ensure that updated certificates of occupancy are obtained upon any change in ownership of a property.

Section 2. Amendment.

Town Code §123-16 of the Code of the Town of Southampton is hereby amended by adding the underlined words as follows:

§123-16. Certificate of Occupancy.

- A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector, in addition to any which may be required under the Zoning Ordinance. An updated certificate of occupancy shall be obtained upon any change in ownership of a property, except for the following:
 - 1. Upon the transfer of ownership for estate purposes.
 - 2. Upon the transfer of ownership between individual(s) and a corporation, limited-liability company, trust, family limited partnership or other similar beneficial entity where the majority shareholder is/was the same as the prior fee title owner(s).

Ú Vote Record - Town Board Resolution RES-2017-173						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-201

Category: Agreements, Contracts, Leases
Sponsors: Schneiderman, Scalera, Glinka, Bouvier, Lofstad
Department: Human Services

2017 Cultural Arts and Recreation Grants

WHEREAS, the 2017 Adopted Budget for the Town of Southampton provides funding through the Cablevision Franchise Fees for the Cultural Arts and Recreation grants program; and

WHEREAS, applications from various agencies and organizations that provide such programs to the Town's diverse populations have been reviewed by the Community Services Division and members of the Southampton Town Board; now therefore be it

RESOLVED, THAT THE FOLLOWING 2017 Cultural Arts and Recreation Grant awards are approved with funding provided through the Community Services Administration Other GL Account # 01-99-6010-01-6420-0010

Cultural Arts and Recreation Grants

Awards

Art Remsenburg Academy	\$500
Bay Street Theatre	\$1,500
Byrd Hoffman Water Mill Foundation	\$1,000
Bridgehampton Chamber Music Festival	\$500
Children's Museum of the East End	\$2,000
East End Special Players, Inc.	\$1,500
East Quogue Chamber of Commerce	\$500
East Quogue Civic Association	\$500
East Quogue Historical Society	\$1,000
Galilee Church of God in Christ	\$500
Hampton Bays Public Library	\$500
Hamptons AARP Community Group	\$500
Horticultural Alliance of the Hamptons	\$500
I-Tri Inspirational Triathlon Racing International	\$1,000
Joshua's Place	\$500
OLA of Eastern Long Island	\$500
Parrish Art Museum	\$1,000
Pianofest In the Hamptons	\$500
Quogue Wildlife Foundation (Refuge)	\$2,000
Sag Harbor Historical Society	\$1,000
Sag Harbor Whaling & Historical Museum	\$1,000
St. John The Evangelist	\$500

Shinnecock Foundation of Arts	\$1,000
Southampton Arts Center SC	\$1,000
Southampton Cultural Center	\$1,000
Southampton Historical Museum	\$1,000
Southampton Rose Society	\$500
Water Mill Museum	\$1,000
Westhampton Beach Historical Society	\$1,000
Westhampton Beach Performing Arts Center	\$2,000
Total	\$27,500

;and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute all related 2017 Cultural Arts and Recreation grant agreements in conformity with the Procurement policy and Town Board Resolution 2015-1057.

Financial Impact:

The source of funding shall be Community Services Other GL #01-99-6010-01-6420-0010

Ü Vote Record - Town Board Resolution RES-2017-201						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted		..	..	..	..
.. Adopted as Amended	Jay Schneiderman					
.. Defeated	Julie Lofstad	..	..	..	..
.. Tabled	Christine Preston Scalera	..	..	..	..
.. Withdrawn	John Bouvier	..	..	..	..
.. Failed To Move	Stan Glinka	..	..	..	..

Town Board Resolution 2017-202

Category: Agreements, Contracts, Leases
Sponsors: Schneiderman, Scalera, Glinka, Bouvier, Lofstad
Department: Human Services

2017 Human Services Grants

WHEREAS, the 2017 adopted budget for the Town of Southampton provides funding through the Cablevision Franchise Fees for the Human Services Grants program; and

WHEREAS, applications from various agencies and organizations that provide such programs to the Town's diverse populations have been reviewed by the Community Services Division and members of the Southampton Town Board; now therefore be it

RESOLVED, that the following 2017 Human Services Grant awards are approved with funding provided through the Community Services Contracts Other GL Account #01-99-6010-01-6420-0016:

Human Services Grants	Awards
Alternatives Counseling Service	\$9,000
Big Brothers Big Sisters of Long Island	\$4,000
Bridgehampton Child Care & Recreation Center	\$6,000
Bridgehampton Community Outreach	\$5,000
Catholic Charities	\$2,000

Centro Corazon de Maria	\$1,000
Child Care Council of Suffolk, Inc	\$1,000
Cornell Cooperative Extension of Suffolk County	\$1,000
ArchCARE at Home (formerly Dominican Sisters)	\$10,000
East End Hospice	\$2,000
Flanders Riverside Northampton Community Association	\$1,000
Girl Scouts of Suffolk County	\$1,000
Human Resources of the Hamptons	\$5,000
Literacy Suffolk Inc	\$1,000
Lucia's Angels	\$2,000
Maureen's Haven	\$8,000
OLA of Eastern L.I., Inc.	\$3,000
Pediatric Dental Fund of the Hamptons	\$5,000
Retired and Senior Volunteer Program RSVP	\$1,000
Retreat, Inc.	\$6,000
Riverhead Community Awareness Program, Inc	\$5,000
St. John's the Evangelist Office of Social Ministry	\$5,000
Shinnecock Indian Education	\$2,500
Southampton Day Care	\$5,000
Southampton Fresh Air Home	\$1,000
Southampton Hospital Foundation Coalition for Women's Cancers	\$2,000
Southampton Hospital David E. Rogers \ HIV/AIDS	\$1,000
Southampton Hospital Shinnecock Health Services	\$1,000
Time for Teens	<u>\$1,000</u>
Total	\$97,500

; And be it further

RESOLVED, that the Supervisor is authorized to execute all related 2017 Human Services grant agreements in conformity with the Procurement policy and Town Board Resolution 2015-1057.

Financial Impact:

The source of funding shall be Community Services Other GL # 01-99-6010-01-6420-0016

Ü Vote Record - Town Board Resolution RES-2017-202					
		Yes/Aye	No/Nay	Abstain	Absent
.. Adopted		..	..	..	..
.. Adopted as Amended	Jay Schneiderman				
.. Defeated	Julie Lofstad	..	..	..	..
.. Tabled	Christine Preston Scalera	..	..	..	..
.. Withdrawn	John Bouvier	..	..	..	..
.. Failed To Move	Stan Glinka	..	..	..	..

Town Board Resolution 2017-203

Category: Agreements, Contracts, Leases
Sponsors: Councilman Bouvier, Councilwoman Lofstad
Department: Town Attorney

Authorize Supervisor to Execute a Buyer Benefit Note and Mortgage Subordination Agreement in Connection with a Community Benefit Unit

WHEREAS on December 21, 2006, John F. Murawski and Patricia M. Murawski executed a Buyer Benefit Note and Mortgage in the sum of Three hundred eighty seven thousand eight hundred Dollars (\$387,800.00) to the Town of Southampton in connection with the purchase of a Community Benefit Unit located in Westhampton Pines; and

WHEREAS, John F. Murawski and Patricia M. Murawski are presently seeking to refinance their first mortgage on their home for the purpose of lowering their interest rate and not for the purpose of "cashing out"; and

WHEREAS, the mortgage lender requires the Town to execute a subordination agreement prior to the closing of the first mortgage loan; now therefore be it

RESOLVED, that the Southampton Town Supervisor is hereby authorized to issue and execute a subordination of mortgage, and/or other appropriate documents indicating that said Buyer Benefit Note and Mortgage has been subordinated on behalf of the Town.

Financial Impact:

None

Ū Vote Record - Town Board Resolution RES-2017-203						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-204

Category: Agreements, Contracts, Leases
Sponsors: Councilman Bouvier, Councilwoman Lofstad
Department: Town Attorney

Authorize Supervisor to Execute a Buyer Benefit Note and Mortgage Subordination Agreement in Connection with a Community Benefit Unit

WHEREAS on October 7, 2008, Ryan W. Scala executed a Buyer Benefit Note and Mortgage in the sum of One hundred ninety nine thousand dollars (\$199,000.00) to the Town of Southampton in connection with the purchase of a Community Benefit Unit located in The Courtyards at Southampton; and

WHEREAS, Ryan W. Scala is presently seeking to refinance his first mortgage on his home for the purpose of lowering his interest rate and not for the purpose of "cashing out"; and

WHEREAS, the mortgage lender requires the Town to execute a subordination agreement prior to the closing of the first mortgage loan; now therefore be it

RESOLVED, that the Southampton Town Supervisor is hereby authorized to issue and execute a subordination of mortgage, and/or other appropriate documents indicating that said Buyer Benefit Note and Mortgage has been subordinated on behalf of the Town.

Financial Impact:

None

Ú Vote Record - Town Board Resolution RES-2017-204						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-205

Category: Agreements, Contracts, Leases
Sponsors: Councilwoman Christine Preston Scalera
Department: Central Purchasing and Contracts Compliance

Authorize the Supervisor to Execute a 2017 Contract Extension with Mariner's Cove Marine, as a Sole Source Provider to Supply the Town with EZ Dock Parts as the Eastern Long Island Authorized Reseller

WHEREAS, on March 9, 2016, pursuant to Resolution 2015-1251, the Town of Southampton entered into a Sole Source contract with Mariner's Cove Marine to Supply the Town with EZ Dock Parts as the Eastern Long Island Authorized Reseller; and

WHEREAS, this contract will expire on March 9, 2017, yet contains the option to extend the contract for two (2) additional, one (1) year terms, if doing so is in the best interest of the Town; and

WHEREAS, the Town Parks Director recommends that the Town extend this contract to March 9, 2018, subject to the adoption of the 2018 budget for these purposes; and

WHEREAS, per the recommendation of the Town Parks Director, the amount of this 2017 contract extension shall not exceed budget(s) allocated for this purposes, without further authorization by the Town Board; now therefore, be it

RESOLVED, that the Town Board of the Town of Southampton hereby authorizes the Supervisor to execute a 2017 contract extension with Mariner's Cove Marine to Supply the Town with EZ Dock Parts as the Eastern Long Island Authorized Reseller; be it

FURTHER RESOLVED, that this contract extension shall be prepared by Central Purchasing and Contracts Compliance and per the Town's Comptroller, no purchase order shall be issued and no payment shall be made without a fully executed contract. The source of funding for this contract shall be multiple G/L codes in various amounts not to exceed budget.

Financial Impact:

The source of funding for this contract shall be multiple G/L codes in various amounts not to exceed budget.

Ú Vote Record - Town Board Resolution RES-2017-205						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-206

Category: Agreements, Contracts, Leases
Sponsors: Supervisor Schneiderman, Councilman Glinka
Department: Central Purchasing and Contracts Compliance

Authorize the Supervisor to Execute a 2017 Contract Extension with Rosemar Contracting, Inc. for Full Depth Reclamation

WHEREAS, on March 17, 2016, pursuant to Resolution 2016-174, the Town of Southampton entered into contract with Rosemar Contracting, Inc. for Full Depth Reclamation to be provided to the Highway Department; and

WHEREAS, this contract will expire on March 17, 2017, yet contains the option to extend the contract for two (2) additional, one (1) year terms, if doing so is in the best interest of the Town; and

WHEREAS, the Superintendent of the Highway Department recommends that the Town extend this contract to March 17, 2018, subject to the adoption of the 2018 budget for these purposes; and

WHEREAS, per the recommendation of the Superintendent of the Highway Department, the amount of this 2017 contract extension shall not exceed budget, without further authorization by the Town Board; now therefore, be it

RESOLVED, that the Town Board of the Town of Southampton hereby authorizes the Supervisor to execute a 2017 contract extension with Rosemar Contracting, Inc. for Full Depth Reclamation to be provided to the Highway Department; be it

FURTHER RESOLVED, that this contract extension shall be prepared by Central Purchasing and Contracts Compliance and per the Town's Comptroller, no purchase order shall be issued and no payment shall be made without a fully executed contract. The source of funding for this project shall be Capital Project - Town-wide Road Improvements - GL# C6-99-C709-00-6241-0000 in an amount not to exceed budget.

Financial Impact:

The source of funding for this project shall be Capital Project - Town-wide Road Improvements - GL# C6-99-C709-00-6241-0000 in an amount not to exceed budget.

Ú Vote Record - Town Board Resolution RES-2017-206						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-207

Category: Agreements, Contracts, Leases
Sponsors: Supervisor Schneiderman, Councilman Glinka
Department: Central Purchasing and Contracts Compliance

Award and Authorize the Supervisor to Execute a Contract with Seneca Pavement Markings, Inc. to Furnish and Install Pavement Markings on Various Town Roads

WHEREAS, on January 24, 2017, by Resolution No. 2017-73, the Town Board of the Town of Southampton authorized the Town Clerk to advertise a bid for 2017 Furnish and Place Townwide Traffic Line Striping & Traffic Markings on Town Owned Roads in the Town of Southampton; and

WHEREAS, three (3) bids were received, opened and read aloud on February 15, 2017; and

WHEREAS, the bids were reviewed by the Superintendent of Highway Department and the Town's Contract Technician and it has been determined that Seneca Pavement Markings, Inc. is the lowest responsible bidder in accordance with General Municipal Law Section 103; and

WHEREAS, that based on the recommendation of the Superintendent of Highway Department and the Town's Contract Technician that the contract Furnish and Place Townwide Traffic Line Striping & Traffic Markings on Town Owned Roads in the Town of Southampton should be awarded to Seneca Pavement Markings, Inc. in an amount not to exceed .0388 per linear foot, the total contract amount shall not exceed \$143,560; and

WHEREAS, the term of this contract shall be for a period of one (1) year from the date of a fully executed contract. The Town reserves the right to extend this contract for four (4) additional, one (1) year periods, if doing so is in the best interest of the Town; now therefore, be it

RESOLVED, that the Town Board of the Town of Southampton hereby authorizes the Supervisor to execute a contract with Seneca Pavement Markings, Inc. in an amount not to exceed \$143,560, and per the Town's Comptroller, no purchase order shall be created and no payment shall be made without a fully executed contract; and be it

FURTHER RESOLVED, The source of funding for this contract shall be Highway Maintenance - Line Striping G/L #06-99-5110-06-6476-0000 in an amount not to exceed \$143,560.

Financial Impact:

The source of funding for this contract shall be Highway Maintenance - Line Striping G/L #06-99-5110-06-6476-0000 in an amount not to exceed \$143,560.

Ú Vote Record - Town Board Resolution RES-2017-207						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-208

Category: Bidding
Sponsors: Supervisor Schneiderman, Councilman Glinka
Department: Central Purchasing and Contracts Compliance

2017 Notice to Bidders for Furnish and Deliver Assorted Aggregates and Soil Materials

RESOLVED, as per the request of the Highway Department that the Town Clerk be and hereby is authorized to advertise for public bid as per the following:

NOTICE TO BIDDERS

TAKE NOTICE, that sealed bids will be received by the Town Clerk, Southampton Town Hall, on Wednesday, March 22, 2017 at 2:00 p.m., prevailing time, when they will be publicly opened and read aloud for:

Furnish and Deliver Assorted Aggregates and Soil Materials

Specifications are available beginning on Thursday, March 9, 2017 at 8:30 a.m. online at <http://bids.southamptontownny.gov/Default.aspx> or in person at the Town Clerk's Office, 116 Hampton Road, Southampton between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, (except Holidays). These specifications have met with the approval of Central Purchasing and Contracts Compliance.

Each proposal must be submitted in a sealed envelope clearly marked **“Furnish and Deliver Assorted Aggregates and Soil Materials.”** Bidders must comply with all Federal, State, and local laws.

The Town Board of the Town of Southampton reserves the right to waive any informalities in bids received, and/or reject any or all bids.

BY ORDER OF THE TOWN BOARD
 TOWN OF SOUTHAMPTON, NEW YORK
 SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact:

The source of funding for these contracts shall be Highway Maintenance - Road Repairs G/L# 06-99-5110-06-6449-0000 in an amount not to exceed budget.

Ú Vote Record - Town Board Resolution RES-2017-208						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-209

Category: Bidding
Sponsors: Supervisor Schneiderman, Councilman Glinka
Department: Central Purchasing and Contracts Compliance

2017 Notice to Bidders for Street Sweeper Parts and Gutter and Rear Brooms

RESOLVED, as per the request of the Highway Department that the Town Clerk be and hereby is authorized to advertise for public bid as per the following:

NOTICE TO BIDDERS

TAKE NOTICE, that sealed bids will be received by the Town Clerk, Southampton Town Hall, on Wednesday, March 22, 2017 at 2:00 p.m., prevailing time, when they will be publicly opened and read aloud for:

Street Sweeper Parts and Gutter and Rear Brooms

Specifications are available beginning on Thursday, March 9, 2017 at 8:30 a.m. online at <http://bids.southamptontownny.gov/Default.aspx> or in person at the Town Clerk's Office, 116 Hampton Road, Southampton between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, (except Holidays). These specifications have met with the approval of Central Purchasing and Contracts Compliance.

Each proposal must be submitted in a sealed envelope clearly marked "**Street Sweeper Parts and Gutter and Rear Brooms.**" Bidders must comply with all Federal, State, and local laws.

The Town Board of the Town of Southampton reserves the right to waive any informalities in bids received, and/or reject any or all bids.

BY ORDER OF THE TOWN BOARD
 TOWN OF SOUTHAMPTON, NEW YORK
 SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact:

The source of funding shall be Highway Garage - Repair Equipment G/L #06-99-5132-06-6406-0000 in amount not to exceed budget.

Ú Vote Record - Town Board Resolution RES-2017-209						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-210

Category: Budget & Finance
Sponsors: Supervisor Jay Schneiderman
Department: Comptroller

Amend 2016 Adopted Budget for Various Departments

WHEREAS, the below listed accounts need to be amended to reflect the actual expenses for 2016 and there are available appropriations available to transfer to cover the actual expenses; now therefore be it

RESOLVED, the Town Board of the Town of Southampton hereby authorizes the transfers outlined in the below chart to cover anticipated expenditures and the Town Comptroller is authorized to make all budgetary and accounting entries necessary to execute.

Description	Account Number	Increase	Decrease
Building & Zoning Department - Retirement	22-99-8029-22-6810-0000	1,422.00	
Building & Zoning Department - Overtime	22-99-8029-22-6101-0000		1,422.00
Youth Services - Wireless Telephone	01-99-6119-01-6401-0000	1,500.00	
Youth Services - Mileage Reimbursement	01-99-6119-01-6444-0000	150.00	
Youth Services - Medical Insurance	01-99-6119-01-6860-0000		1,650.00
Waste Management Solid Waste - Employee Retirement	20-99-8161-20-6810-0000	33,101.00	
Waste Management Solid Waste - Gasoline	20-99-8161-20-6810-0000		9,365.00
Waste Management Solid Waste - Diesel Fuel	20-99-8161-20-6441-0000		15,000.00
Waste Management Solid Waste - Electric	20-99-8161-20-6404-0000		5,000.00
Waste Management Solid Waste - Fuel Oil	20-99-8161-20-6405-0000		3,300.00
Waste Management Solid Waste - Repair Equipment	20-99-8161-20-6406-0000		436.00

Beaches & Pools - Employee Retirement	21-99-7180-21-6810-0000	17,105.00	
Beaches & Pools - Beach Parking Fees	21-99-7180-21-2025-0000		17,105.00

Financial Impact:

Net financial impact is none.

Ú Vote Record - Town Board Resolution RES-2017-210						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-211

Category: Budget & Finance
Sponsors: Supervisor Jay Schneiderman
Department: Comptroller

Amend 2017-2021 Capital Program for Projects with Prior Funding for CPF

WHEREAS, the 2017-2021 Capital Program and 2017 Capital Budget was adopted per Resolution 2016-1077 by the Town Board, as amended, on November 18, 2016; and

WHEREAS, the 2017-2021 Capital Program includes projects that are ongoing and as a result the prior funding amount reflected in the 2017-2021 Adopted Capital Budget was an estimate and needs to be amended to reflect the final 2016 year end available funds in the project; and

WHEREAS, the actual available prior funding can be determined at this time and has been discussed with the Project Manager; now therefore be it

RESOLVED, the Town Board of the Town of Southampton hereby amends the 2017-2021 Capital Program and Budget for the ongoing projects with prior year funding as indicated in the chart below; and be it further

RESOLVED, the Town Comptroller is authorized to make all budgetary and accounting entries necessary to execute.

Project ID	Project	Cost Center	2017 Adopted Roll Forward	Available Roll Forward	Variance
CPF 13.1	Lyzon Hat Shop Rest.	C402	0	213,390.52	213,390.52
CPF 14.1	Canoe Place Chapel Rest.	C520	0	113,737.50	113,737.50

Financial Impact:

Net financial increase to the 2017 Capital Budget in the amount of \$327,128.02

Ú Vote Record - Town Board Resolution RES-2017-211						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-212

Category: Budget & Finance
Sponsors: Supervisor Jay Schneiderman
Department: Comptroller

Authorize Purchase Order Encumbrances 2016 to 2017

RESOLVED, upon recommendation of the Comptroller, the Town Board hereby approves the following Departmental 2016 into 2017 purchase order encumbrances in the amount of \$161,253.62 as indicated in the chart below; and be it further

RESOLVED, the Town Comptroller is authorized to make all budgetary and accounting entries necessary to execute.

Number	Department/Division	2017 G/L Number	Amount
161779	Information Technology	01-99-1680-01-6401-0000	\$6,640.00
161475	Police Department	02-99-3120-02-6201-0000	\$33,824.00
161751	Hampton Bays Water District	SW-99-W081-62-6235-0000	\$1,136.30
161764	Community Preservation	31-99-1940-31-6442-0000	\$2,900.00
161747	Police Department	02-99-3120-02-6433-0000	\$835.00
161662	Police Department	02-99-3120-02-6201-0000	\$14,124.32
161721	Parks & Rec	SL-99-L058-54-6423-0000	\$3,098.00
161723	Parks & Rec	SL-99-L053-54-6423-0000	\$1,549.00
161722	Parks & Rec	SL-99-L054-54-6423-0000	\$4,647.00
161381	Pump-Out Boat	01-99-8189-01-6200-0000	\$92,500.00

Financial Impact:

Purchase Order Encumbrances 2016 into 2017 Total of \$161,253.62

Ú Vote Record - Town Board Resolution RES-2017-212						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-213

Category: Legal Actions
Sponsors: Supervisor Jay Schneiderman
Department: Town Attorney

Continuation of Legal Services by Bee Ready Fishbein Hatter & Donovan, LLP

BE IT HEREBY RESOLVED, that the Town Board of the Town of Southampton hereby authorizes the continuation of legal services by Bee Ready Fishbein Hatter & Donovan, LLP, on behalf of the Superintendent of Highways as it relates to the petition filed by the CSEA, Inc., Case No. CP-1469. In the amount not to exceed \$7,500.00. The source of funding shall be Town Attorney Legal Fees, G/L No. 01-99-1420-01-6430-0000.

Financial Impact:

The source of funding shall be Town Attorney Legal Fees G/L No. 01-99-1420-01-6430-0000 in the amount not to exceed \$7,500.00.

Ü Vote Record - Town Board Resolution RES-2017-213						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-214

Category: Local Laws
Sponsors: Councilwoman Christine Preston Scalera
Department: Town Attorney

Notice of Adoption Enacting Town Code Chapter 162 (Filming) Which Establishes a Permitting Process for Commercial/Educational Filming Done on Public and Private Property Within The Town of Southampton.

WHEREAS, the Town Board is considering creating Town Code Chapter 162 (Filming) which regulates the activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation for commercial or educational purposes; and

WHEREAS, a public hearing was held on December 13, 2016 and continued on February 14, 2017, at which time all persons either for or against the enactment were heard; and

WHEREAS, the Department of Land Management has advised the Town Board that the proposed creation of Chapter 162 of the Town Code of Southampton is a "Type II Action" under the provisions of the New York State Environmental Quality Review Act (SEQRA) and Chapter 157 of the Town Code and that no further review under New York Environmental Conservation Law, Article 8, is necessary; now, therefore, be it

RESOLVED, that Local Law No. Of 2017 is hereby adopted as follows:

LOCAL LAW NO. OF 2017

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

A LOCAL LAW enacting Southampton Town Code Chapter 162 (Filming) which regulates the activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation for commercial or educational purposes.

SECTION 1. Legislative Intent.

Given its scenic views and beautiful surroundings, Southampton is filled with desirable locations to film a motion picture. Each year numerous motion pictures are filmed in our community. Many of these films are large scale productions, involving film crews that number into the hundreds. Such productions can interrupt neighborhoods, cause traffic problems, compromise the safety, peace and quiet enjoyment of our residents and put tremendous burden on our infrastructure. This Local Law creates a permitting process through which the Town can mitigate the impact of these productions on our community.

SECTION 2. Amendment.

Southampton Town Code Chapter 162 is hereby enacted by adding the underlined words as follows:

Chapter 162

FILMING

§ 162-1 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings set forth below:

CHIEF FIRE MARSHAL

The Chief Fire Marshal of the Town of Southampton, or designee.

CHIEF OF POLICE

The Chief of Police of the Town of Southampton, or designee.

FILMING

The activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation for commercial or educational purposes.

FILMING PERMIT

A permit for filming issued under this chapter

PERSON

Any individual, firm, partnership, association, corporation, company or organization of any kind, including a charitable, religious, membership, hospital or not-for-profit corporation.

PUBLIC PROPERTY

Includes Town streets, sidewalks and parking areas, Town beaches and parks, Town buildings and other public facilities.

PUBLIC SAFETY COMMISSION

A commission consisting of five members. The Town Board shall appoint members of the Public Safety Commission and their terms by resolution, as provided for in Town Code Chapter 19. The duties of this Commission shall include holding public hearings to consider appeals based upon the denial of a permit application under this chapter.

SPECIAL EVENT

A Special Event as defined under Chapter 283of the Town Code

TOWN or TOWN OF SOUTHAMPTON

All unincorporated areas within the Town of Southampton.

TOWN BOARD

The Town Board of the Town of Southampton.

TOWN CLERK

The Town Clerk of the Town of Southampton, or designee.

§ 162-2 Licensing.

A. Written permit required.

(A) No owner, lessee or any other person claiming any right or interest in property within the Town of Southampton shall cause, permit or allow any such property to be used for filming, as defined by §162-1, unless, pursuant to an application therefor a written filming permit has been issued by the Chief Fire Marshal.

(B)Exemption. A permit pursuant to this chapter shall not be required if Twelve or fewer individuals constitute the entire cast and crew engaged in filming.

B. Application time frames.

Mandatory time frames. Applications for filming permits shall be on the form available from the office of the Town Clerk, shall contain all of the required information and material, and shall be filed with the office of the Town Clerk at least 20 days prior to the date the proposed filming will begin.

C. Information and material to be submitted with completed application.

As set forth therein, all applications for a filming permit shall include information and materials regarding the identity of the applicant, the nature of the production, the location of the property and any restrictions on the use thereof, proposed and existing structures, disposal of refuse, sanitary waste and sewage, water, parking, pedestrian and vehicular access, sound, music, lighting, security, fire protection, medical and handicap facilities, tents, signs, generators, inspection, use of Town facilities, and any additional information the Town deems relevant, all as may be amended or modified from time to time.

D. Rejection by Town Clerk. The Town Clerk shall have the authority to reject any application that the Town Clerk finds incomplete.

§ 162-3 Conditions for granting permit.

- A. Liability insurance. Prior to the issuance of a filming permit and subject to review by the Town Attorney's office, the applicant shall furnish the Town with a comprehensive liability insurance policy, insuring the applicant and/or property owner against liability for damage to persons or property, with limits of no less than \$1,000,000/\$2,000,000, which policy shall name the Town as an additional insured and shall not be cancelable without at least 30 days' prior written notice to the Town. Additional comprehensive liability insurance policies, naming the Town as an additional insured, may be required.
- B. Cost reimbursement. Where the expected number of cast and crew, the magnitude of the production or the duration of the filming may impact the health, safety and welfare of the public, as a condition to granting the film permit, the Chief Fire Marshal and/or Chief of Police may require the applicant to reimburse the Town for the costs of increased police protection, public safety oversight, and public works facilitation, including any additional equipment, as may be deemed necessary by the Chief Fire Marshal and/or Chief of Police to adequately and safely control and protect the persons involved with the filming, the filming area and traffic in and around the area. Such costs shall include all necessary staffing and shall be provided to the applicant prior to the issuance of the permit.
- C. Security instrument. The Chief Fire Marshal and/or Chief of Police may require the applicant to provide a letter of credit, bond or other suitable security instrument to secure compliance with conditions in the filming permit and to ensure adequate cleanup of the property after the film. In such circumstances, no filming permit shall be issued until the security has been provided to the Town Clerk. If the applicant fails to honor the permit conditions or to adequately clean up the property following the film, the Town may use such portion of the security as is required to remedy the situation.
- D. Permit available on property. The filming permit issued hereunder shall be kept on the property during the filming and shall be presented for inspection by any enforcement officer or other duly authorized official or employee of the Town of Southampton upon request of such official or employee.
- E. Compliance with minimum zoning setbacks. Where concerns exist regarding health, safety and welfare, the Chief Fire Marshal may require the film, including any temporary structures or equipment erected in connection therewith, to comply with all applicable minimum zoning setbacks pursuant to Chapter 330 of the Town Code of the Town of Southampton. The Town may also, in its discretion, require a buffer zone at a distance greater than the minimum zoning setbacks.
- F. Notification of adjoining property owners in residential zoning districts. Upon filing an application for a filming permit, if the property which is the subject of the application is within a residential zoning district, the Chief Fire Marshal may require the applicant to mail, by certified mail, return receipt requested, written notice that a filming permit application has been filed with the Town, to every property owner, as shown on the current Town of Southampton assessment rolls, of parcels abutting and directly opposite (by extension of lot lines through a street or right-of-way) the property which is the subject of the application. Said notice shall include the date, time, and location of the proposed filming, and proof of mailing shall be submitted to the Chief Fire Marshal in the form of an affidavit, with postal receipts annexed, in order to constitute a complete application.
- G. If the property is a Town-owned facility, the applicant must obtain a facility use permit from the appropriate Town department before a filming permit may be issued.

§ 162-4 Review of application; issuance or denial, nontransferability and terms and conditions of permit.

- A. Review of application. All applications for a filming permit shall be reviewed by the Chief of Police, Chief Fire Marshal, and the Town Planning and Development Administrator. Authorization of the Town Board shall be required if any Town highway or street is to be closed for the filming. The Chief Fire Marshal or Chief of Police may request an advisory report from the Planning Board, the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton or from any other Town department or advisory board whose expertise and evaluation may be appropriate.
- B. Issuance of permit. The Chief Fire Marshal or Chief of Police shall approve or deny a permit application within 30 days from the submission of a complete application and shall file a copy of the permit or notice of denial with the office of Town Clerk. In determining whether or not to issue a filming permit, the Chief Fire Marshal or Chief of Police shall consider the information provided in the permit application together with all other available information, including but not limited to those factors illustrated below:
- (1) The size of the property in relation to the number of people involved in the production.
 - (2) The sufficiency of arrangements made by the applicant to control traffic, parking, noise, lighting and refuse, including the impact of the event on the safe and orderly movement of traffic within and contiguous to the filming, and the adequacy of emergency plans, including but not limited to a first-aid plan and a fire safety plan.
 - (3) Possible conflicts with other films, special events and seasonal demands which may overtax or cause an undue burden on Town services.
 - (4) Impact of the filming on the general health, safety and welfare of the Town
 - (5) Verification that there are no outstanding violations on the property at which the filming will be held or any outstanding or unsatisfied conditions imposed by the Planning Board or Zoning Board of Appeals, or any other Town agency or department, on such property or any other property owned or leased by applicant.
 - (6) The accuracy and completeness of the information contained in the application.
 - (7) Verification that there are no restrictions imposed on the property that would preclude or otherwise limit such uses or activities as proposed in the filming application, including the following:
 - (a) Requirements and conditions related to a subdivision, site plan or special exception approval by the Planning Board.
 - (b) Requirements and conditions related to an action of the Town Board, Board of Trustees, Zoning Board of Appeals or Conservation Board, pursuant to the Town Code.
 - (c) Requirements or restrictions contained in any covenants, easements, indentures or other such protective legal instruments.
 - (8) If the permit application was submitted to the Town Clerk within the required

time frame as specified in § 162-2B.

C. Reasons for denial of a permit. A permit application may be denied by the Chief Fire Marshal or Chief of Police in relation to any of the factors illustrated above, as well as any reason illustrated below:

(1) It is determined that there are inadequate Town resources available to ensure public health, safety, and welfare at or during the filming.

(2) The filming will disturb the public peace and good order of the Town or adversely affect the use and enjoyment of adjoining properties or that the conduct of the filming will not be consistent with or will jeopardize the health, safety, or welfare of neighboring residents and/or the Town at large.

(3) There are materially false statements or omitted relevant information in the application.

(4) The applicant has failed to conduct a previously permitted filming and/or special event/parade permitted under Chapter 283 of the Town Code in accordance with the law or the terms of a permit, or both.

(5) The applicant has not obtained the approval of any other Town or public agency within whose jurisdiction the filming or portion thereof will occur.

(6) The filming is proposed to take place on property purchased by the Town through use of the Community Preservation Fund.

D. Site capacity. If permission to hold film is granted, the permit shall set forth the maximum number of persons permitted on site at any given time during the filming. The Chief Fire Marshal, in determining the maximum limit, shall take into consideration the capacity of the site, the facilities at the site and the availability of public highway and other means of transportation to and from the site.

E. Nontransferable. A filming permit is not transferable and shall expire at the designated time for the close of the event for which it is issued.

F. Terms and conditions of permit. The issuance of a permit pursuant to this chapter shall be deemed an approval of the application and shall require the applicant to undertake all actions proposed in the application for the control of traffic, parking, noise, lighting, refuse and the like. The filming shall be subject to any other terms or conditions imposed in the permit, or in any permit obtained from other applicable Town departments.

G. Privilege. The granting of a filming permit is a privilege and not a right and may be denied in the event the applicant fails to comply with any applicable provision of this chapter or for any other reason not prohibited by law.

§ 162-5 Application fees.

The application for a permit shall be accompanied by an application fee or a late application fee in the amount(s) established by resolution of the Town Board from time to time and paid by the applicant to the Town Clerk. The Town Clerk shall deposit application fees and late application fees into the general fund. Any contribution to the Town, made part of an application's approval, shall be accepted by the Town Clerk and deposited into a designated

fund. Application fees may be waived at any time by and at the discretion of the Town Board.

§ 162-6 Amendment, modification, rescission or termination of permit.

A. Once a filming permit has been issued, any proposed amendment or modification to the application shall be filed with the Town Clerk at least 10 days prior to the filming if any of the conditions have changed. Such changes may include, but are not limited to, the date of the filming, the location of the filming, the number of production personnel, or the addition of tents.

(1) All changes in conditions necessitating the amendment will be accompanied by the appropriate certificates or permits.

(2) The Chief Fire Marshal and/or Chief of Police shall review the proposed amendment and shall have the discretion to rescind or modify the permit due to changed conditions.

B. If, after a filming permit is issued, the Chief Fire Marshal and/or Chief of Police determines that any of the representations and/or statements contained in the application or any of the conditions or requirements of the permit or this chapter have not been met, the Chief Fire Marshal and/or Chief of Police may immediately rescind or modify such permit or terminate such filming.

C. If any conditions are not met during the filming, the Chief of Police, Chief Fire Marshal, or Chief Fire Marshal may terminate the filming or may suspend it until such conditions are met and may authorize his personnel to take all necessary steps to effectuate his determinations.

D. If conditions exist that endanger the health, safety or welfare of those involved with the filming, the Chief of Police, Chief Fire Marshal, or Chief Fire Marshal may terminate the filming or may suspend the filming until such danger is corrected and may authorize his personnel to take all necessary steps to effectuate his determinations.

E. In the event that a filming permit is rescinded prior to the scheduled event date, the applicant may appeal such determination pursuant to § 283-9 below.

§ 162-7 Appeals from denial of application or rescission of permit.

A. If the Chief Fire Marshal or Chief of Police denies an application for a filming permit or rescinds a permit, written notice of such denial or rescission, and the reason or reasons for such determination, shall be mailed by the Chief Fire Marshal or Chief of Police by certified mail, return receipt requested, to the applicant at the address provided in the application. A copy of the notice of denial or rescission shall be filed with the office of Town Clerk and forwarded to all involved Town departments.

B. The denial of a permit application or the rescission of a permit may be appealed to the Public Safety Commission pursuant to this chapter and Town Code Chapter 19. All requests for an appeal hearing shall be made in writing and shall be filed with the Town Clerk within 10 days from the date of receipt of the written denial or rescission notification. Such request for an appeal shall set forth the grounds for the appeal and shall be accompanied by the appeal fee in the amount(s) established by resolution of the Town Board, which may be amended from time to time.

C. The Public Safety Commission shall conduct a public hearing or hearings with respect to any appeal. The Public Safety Commission shall fix a time and place for such hearing and shall provide for the giving of notice at least 10 days prior to the date of the hearing as follows:

(1) By publishing a notice in the official newspaper.

(2) By requiring the applicant to erect a white-and-black-lettering sign or signs measuring not less than two feet long and one foot wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice that an application for a filming permit is pending and the date, time and place where the public hearing will be held. The sign shall not be set back more than 10 feet from the street line and shall not be less than two feet nor more than six feet above the grade at the street line. The sign shall be made of durable material and shall be furnished by the Town Clerk. It shall be displayed for a period of not less than 10 days immediately preceding the public hearing date. No additional posting shall be required for any adjournment date. The applicant shall file an affidavit stating that there has been compliance with the provisions of this section.

(3) If the land involved in an application is within 500 feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the municipal clerk of such other municipality by the applicant.

(4) By requiring the applicant to mail written notice of the date, time and place of the hearing, together with a copy of the application, by certified mail, return receipt requested, to every property owner, as shown on the current Town of Southampton assessment rolls, of parcels abutting and directly opposite (by extension of lot lines through a street or right-of-way) the property which is the subject of the application, proof of which shall be submitted to the Public Safety Commission on or before the commencement of the public hearing in the form of an affidavit with postal receipts annexed to it, confirming mailing of the notices at least 10 days prior to the hearing date.

D. At the public hearing, the Public Safety Commission shall give the appealing party and any other interested party a reasonable opportunity to be heard, in order to show cause why the determination of the Chief Fire Marshal or Chief of Police should not be upheld. The applicant shall provide any relevant information in response to that set forth in the written notice of denial or rescission. A written report and/or testimony from the Chief Fire Marshal or Chief of Police, detailing the reason or reasons for denial or rescission, shall be made part of the public hearing's record.

E. In determining the appeal, the Public Safety Commission shall consider all of the information provided at the hearing with all other available information, including but not limited to those factors illustrated below:

(1) The size and type of the production;

(2) The duration of the filming;

(3) The potential impacts on Town resources, the public health, safety and welfare, the surrounding community and the Town as a whole, noise, traffic, aesthetics, and the character of the area.

(4) The sufficiency of services or facilities (including but not limited to a parking

plan, a first-aid plan, and a fire safety plan) that are reasonably necessary to ensure that the filming will be conducted with due regard for public health and the safety of participants and/or attendees.

F. The Public Safety Commission may sustain the determination of the Chief Fire Marshal or Chief of Police to deny or rescind a permit, or may reverse the determination, with or without additional conditions. A resolution of a majority vote of the Public Safety Commission is required for any such action. The Public Safety Commission shall render its findings in writing, no later than 10 days from the close of the public hearing. The Public Safety Commission shall notify the applicant of its determination by certified mail, return receipt requested, to the address provided in the application, within five days after such determination. A copy of the determination shall be filed with the office of Town Clerk and forwarded to all involved Town departments.

G. The decision of the Public Safety Commission shall be final and shall constitute the exhaustion of the applicant's administrative remedy.

§ 162-8 Penalties for offenses; cost recovery.

A. Any person who shall cause, permit or allow property to be used for a filming without having a written filming permit in accordance with the provisions of this chapter shall be guilty of a violation of this chapter.

B. A violation of any of the provisions of this chapter or of Town conditions, approvals or restrictions issued hereunder shall be punishable as follows:

(1) A first violation of this chapter shall be a violation level offense punishable by imprisonment not to exceed 15 days and/or a fine of not more than \$7,000;

(2) A second or subsequent violation of this chapter within one year, or any third or more violation at any time shall be an unclassified misdemeanor punishable by imprisonment not to exceed one year and/or a fine of not less than \$10,000 nor more than \$15,000.

C. A separate offense against this chapter shall be deemed committed on each day during or on which a violation occurred or continues. A separate penalty may be imposed for each separate offense.

D. Cost recovery for unlawful filming. Whenever a filming is conducted without a permit when one is required, or filming is conducted in violation of the terms of an issued permit, the applicant shall be responsible for all Town costs incurred. The Chief of Police and/or Chief Fire Marshal shall charge and bill the applicant for personnel and equipment in any public safety response caused by or necessitated by the adverse impacts of the event or the violation of the permit.

§ 162-9 Waiver and indemnification.

A. Notwithstanding anything to the contrary set forth in this chapter, the Town Board may waive or modify any of the requirements set forth herein.

B. The applicant and property owner shall execute a written agreement as part of a permit application to indemnify and hold harmless the Town of Southampton and its officers, employees, and agents from any loss, liability, damage, or cost sustained by any person or property, to the extent any such loss, liability, damage, or cost rises from

any activity associated with the filming.

SECTION 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and §10(1)(ii)(d)(3).

SECTION 4. Severability.

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

SECTION 5. Effective Date.

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

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Adoption:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that, after a public hearing was held by the Town Board of the Town of Southampton on December 13, 2016 and continued on February 14, 2017, the Town Board, at their meeting of February 28, 2017, adopted LOCAL LAW NO. OF 2017 as follows: A LOCAL LAW enacting Southampton Town Code Chapter 162 (Filming) which regulates the activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation for commercial or educational purposes.

Summary of Proposed Law

This Local Law creates a permitting process through which the Town can mitigate the impact of Filming productions on our community.

Copies of the proposed local law, sponsored by Councilman Christine Preston Scalera are on file in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF SOUTHAMPTON, NEW YORK
SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact:

None

Ú Vote Record - Town Board Resolution RES-2017-214						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-215

Category: Local Laws
Sponsors: Councilman Stan Glinka
Department: Long Range Planning

Notice of Adoption Amending Town Code §330-202 of Article XXII (Signs) to Change the Extended Amortization Date for Signs to be in Compliance to January 1, 2019

WHEREAS, the Town Board is considering amending Town Code §330-202 in connection with amending the extended amortization date to January 1, 2019 for signs in the Town; and

WHEREAS, a public hearing was held on January 24, 2017, at which time all persons either for or against said amendment were heard; and

WHEREAS, the Department of Land Management has advised the Town Board that this proposed local law is considered a "Type II Action" under 6 NYCRR Part 617.5, provisions of the New York State Environmental Quality Review Act (SEQRA) and Chapter 157 of the Town Code, and that no further review under New York Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Local Law No. of 2017 is hereby adopted as follows:

LOCAL LAW NO. OF 2017

A LOCAL LAW amending Town Code §330-202 (Compliance; amortization of preexisting signs.) of Article XXII (Signs) of Chapter 330 (Zoning) of the Southampton Town Code changing the extended amortization date to January 1, 2019.

SECTION 1. Legislative Intent.

This proposed local law will change the extended amortization date for bringing signs into compliance from January 1, 2017 to January 1, 2019. This additional time is needed to properly and orderly bring all signs into compliance without putting an undue burden on sign owners or Town staff and resources.

SECTION 2. Amendment.

Southampton Town Code §330-202 (Compliance; amortization of preexisting signs.), subsection (B) of Article XXII (Signs) of Chapter 330 (Zoning) is hereby amended by deleting the stricken words and adding the underlined words as follows:

B. Preexisting signs, amortization. No sign, whenever erected, existing within the Town of Southampton prior to the effective date, shall continue to exist after June 1, 2007 (the "amortization date"), unless it is brought into compliance with the requirements of this article prior thereto; provided, however, that the owner of any sign in compliance with the Southampton Town Code prior to the effective date shall have until January 1, ~~2017~~ 2019 (the "extended amortization date"), to remove any such sign if, prior to the amortization date, such owner submits an application to the Building Department requesting the extended amortization date, together with, for any such sign existing prior to May 22, 1972, a valid sign permit or a certificate of compliance or three affidavits evidencing such existence, all in accordance with procedures hereafter established by said Department. Any modifications or alterations to any such lawfully preexisting, nonconforming sign prior to the extended amortization date shall subject such sign to all the requirements of this article, except that any change in the business name on any such sign, provided that the business conducted at such existing property has not changed, need not conform to the provisions of this article so long as (i) the sign size or nonconformity is not increased, (ii) if the sign is illuminated, it is brought into compliance with all the requirements of §330-207, and (iii) the applicant receives a permit for such changes pursuant to the provisions of §330-208A. Signs that are not lawfully preexisting (i.e., signs erected or changed without the benefit of a valid permit, Planning Board approval or a variance) are not entitled to the benefits of such extended amortization and must be brought into compliance with all the provisions of this article prior to the amortization date. No such lawfully preexisting, nonconforming sign may be reestablished after it has been abandoned or discontinued for a period of 90 days or more.

SECTION 3. Authority.

The Town Board may provide for the adoption or amendment of zoning regulations pursuant to Town Law §§264 and 265 and Municipal Home Rule Law §10(1)(ii)(d)(3).

SECTION 4. Severability.

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

SECTION 5. Effective Date.

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

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

TAKE NOTICE that, after a public hearing was held by the Town Board of the Town of Southampton on January 24, 2017, the Town Board, at its meeting of February 28, 2017, adopted LOCAL LAW NO. of 2017, as follows: "A LOCAL LAW amending Town Code §330-202 (Compliance; amortization of preexisting signs.) of Article XXII (Signs) of Chapter 330 (Zoning) of the Southampton Town Code changing the extended amortization date to January 1, 2019,"

Summary of Proposed Law

This proposed local law will change the extended amortization date for bringing signs into compliance from January 1, 2017 to January 1, 2019.

Copies of the proposed local law, sponsored by Councilman Stan Glinka are on file in the Town Clerk’s Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
 TOWN OF SOUTHAMPTON, NEW YORK
 SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact:

None

ü Vote Record - Town Board Resolution RES-2017-215						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-216

Category: Personnel
Sponsors: Supervisor Jay Schneiderman
Department: Personnel

Appoint Alexander Allen to Data Entry Operator Position in Town Clerk

WHEREAS, the position of Data Entry Operator in the Town Clerks Office became vacant on February 24, 2017 due to a resignation in the Department; therefore be it

RESOLVED, based on the recommendation of the Town Clerk, Alexander Allen be and hereby is appointed from the Suffolk County Department of Civil Service Certification of Eligibles No. 17EL039 to fill the vacant position of Data Entry Operator in the Town Clerks Office, subject to all applicable Civil Service Requirements, 40 hours, Grade B, effective on or after March 1, 2017; and be it further

RESOLVED, this position is budgeted for and will be funded through the cost center #1460 and the Town Comptroller is authorized to make all budgetary and accounting entries necessary to execute.

Financial Impact:

As budgeted in 2017 Operating Budget

Ú Vote Record - Town Board Resolution RES-2017-216						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-217

Category: Public Hearings
Sponsors: Supervisor Jay Schneiderman
Department: Community Preservation

Notice of Public Hearing to Consider Amending the Town of Southampton CPF Project Plan, Consider the Acquisition of Lands of Phillips and Beaver Dam Marina, Westhampton, and Amend the CPF Management and Stewardship Plan to Include the Properties

WHEREAS, The Town Board of the Town of Southampton has adopted the Town of Southampton Community Preservation Project Plan which identifies target areas and eligible properties for acquisition via the Community Preservation Fund (CPF); and

WHEREAS, Frances G. Phillips and Beaver Dam Marina are the purported owners of approximately 0.81 acres of land located on South Road and Beaver Dam Road in Westhampton, New York, identified as SCTM# 900-376-1-34 and 38.1 which afford the opportunity to increase open space protection within the Town of Southampton; and

WHEREAS, said properties should be designated in the Village and Hamlet Greens, Parks, Recreation and Open Space Target Preservation Area of the Community Preservation Project Plan as an appropriate site for park and recreation purposes; and

WHEREAS, it is appropriate to add this parcel to the Town of Southampton Community Preservation Project Plan in the Village and Hamlet Greens, Parks, Recreation and Open Space Target Preservation Area, as eligible sites for park and recreation purposes; and

WHEREAS Frances G. Phillips and Beaver Dam Marina have expressed an interest in selling the properties to the Town of Southampton; and

WHEREAS, pursuant to §140-5A of Town Code and §247 of the General Municipal Law, a public hearing must be held before the Town of Southampton may acquire an interest in said property; and

WHEREAS, the source of funding to be the Community Preservation Fund Account, GL 31-99-1940-31-6208-0001; and

WHEREAS, on November 12, 2014, the Town Board adopted the Town of Southampton Management and Stewardship Plan 2015 for the Community Preservation Fund pursuant to Town Law 64-e (6) which requires a property to be included in this Plan in order to expense any management and stewardship costs to the Community Preservation Fund; and

WHEREAS, said Management and Stewardship Plan shall be in effect for three (3) years with

updates permitted from time to time at the discretion of the Town Board after a public hearing; and

WHEREAS, this interest in real property should be included in the Plan as it may require management and stewardship activities; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby directs that a Public Hearing shall be held on Tuesday, March 28, 2017 at 6 p.m., at the Hampton Bays Community Center, 25 Ponquogue Ave, Hampton Bays, New York, to hear any and all persons either for or against the acquisition of the Phillips and Beaver Dam Marina properties in Westhampton; and

BE IT FURTHER RESOLVED, the Town Clerk is authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Southampton on **Tuesday, March 28, 2017 at 6 p.m.** at the Hampton Bays Community Center, 25 Ponquogue Ave, Hampton Bays, New York to consider whether to amend the Town of Southampton Community Preservation Project Plan, as well as the CPF Management and Stewardship Plan to include said properties, and also to consider the acquisition of lands from Frances G. Phillips and Beaver Dam Marina totaling approximately 0.81 acres of land located on South Road and Beaver Dam Road in Westhampton, New York, shown as SCTM# 900-376-1-34 and 38.1 for preservation of open space as identified in the Town of Southampton Community Preservation Project Plan, pursuant to the provisions of Chapter 140 of the Town Code and §247 of the General Municipal Law of the State of New York, the source of funding is the Community Preservation Fund Account GL 31-99-1940-31-6208-0001.

BY ORDER OF THE TOWN BOARD
 TOWN OF SOUTHAMPTON, NEW YORK
 SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact:

None

Ú Vote Record - Town Board Resolution RES-2017-217						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-218

Category: Public Hearings
Sponsors: Supervisor Jay Schneiderman
Department: Community Preservation

Notice of Public Hearing to Consider the Acquisition of the Enhanced Development Right of Peconic Land Trust as Contract Vendee for Ann La Wall, Water Mill, and Amend the CPF Management and Stewardship Plan to Include Property

WHEREAS, The Town Board of the Town of Southampton has adopted the Town of Southampton Community Preservation Project Plan which identifies target areas and properties for acquisition for agricultural lands and open space; and

WHEREAS, the Peconic Land Trust is the contract vendee for Ann LaWall for the enhanced development right of approximately 0.782 acres of land located on Seven Ponds Road in the hamlet of Water Mill, New York, shown as SCTM #900-113-3-1; and

WHEREAS, said property should be designated in the Farmland Preservation Target Area of the Community Preservation Project Plan, as an eligible site for preservation and open space. The Farmland Preservation Target Area has been labeled under the Community Preservation Project Plan as a high priority for preservation and/or acquisition; and

WHEREAS, the Peconic Land Trust (contract vendee) has expressed an interest in selling the enhanced development right of said property to the Town of Southampton; and

WHEREAS, pursuant to §140-5A of Town Code and §247 of the General Municipal Law, a public hearing must be held before the Town of Southampton may acquire an interest in said property; and

WHEREAS, the source of funding will be the Community Preservation Fund Account, GL 31-99-1940-31-6208-0001; and

WHEREAS, on November 9, 2011, the Town Board adopted the Town of Southampton Management and Stewardship Plan 2012 for the Community Preservation Fund pursuant to Town Law 64-e (6) which requires a property to be included in this Plan in order to expense any management and stewardship costs to the Community Preservation Fund; and

WHEREAS, said Management and Stewardship Plan shall be in effect for three (3) years with updates permitted from time to time at the discretion of the Town Board after a public hearing; and

WHEREAS, this interest in real property may require management and stewardship activities; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby directs that a Public Hearing shall be held on March 28, 2017 at 6 p.m. at the Hampton Bays Community Center, 25 Ponquogue Ave., Hampton Bays, New York, to hear any and all persons either for or against the acquisition of the Development Rights of the Peconic Land Trust (contract vendee) property in Water Mill; and

BE IT FURTHER RESOLVED, the Town Clerk is authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Southampton on **Tuesday, March 28, 2017 at 6 p.m.** at the Hampton Bays Community Center, 25 Ponquogue Ave., Hampton Bays, New York to consider the acquisition of the enhanced development right from Peconic Land Trust (contract vendee), totaling approximately 0.782 acres located on Seven Ponds Road in Water Mill, New York, shown as SCTM #900-113-3-1 for preservation of open space as identified in the Town of Southampton Community Preservation Project Plan pursuant to the provisions of Chapter 140 of the Town Code and §247 of the General Municipal Law of the State of New York and also to consider whether to amend the Town of Southampton Community Preservation Project Plan and the CPF Management and Stewardship Plan to include the property. The source of funding is the Community Preservation Fund Account GL 31-99-1940-31-6208-0001.

BY ORDER OF THE TOWN BOARD
 TOWN OF SOUTHAMPTON, NEW YORK
 SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact:

None

Ü Vote Record - Town Board Resolution RES-2017-218						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-219

Category: Real Estate & Easements
Sponsors: Councilwoman Scalera, Councilman Glinka
Department: Town Attorney

Resolution Accepting a Conservation Easement on Property located in Water Mill in Exchange for One Half of a Development Right Certificate Pursuant to Section 244-4A of the Southampton Town Code

BE IT RESOLVED that after a public hearing held on January 10, 2017 and continued on February 14, 2017, both of which occurring at Southampton Town Hall, 116 Hampton Road, Southampton, New York, during which any and all persons either for or against the acceptance of a Conservation Easement for open space purposes in exchange for one half of Development Right Certificate, made pursuant to Southampton Town Code Section 244-4A (Obtaining a development right certificate), for property identified on the Suffolk County tax map as 900-34-2-39, were heard, the Town Board of the Town of Southampton hereby ACCEPTS said conservation easement; and be it further

RESOLVED, that said easement shall be in a form approved by the Town Attorney's Office.

Financial Impact:

None

Ú Vote Record - Town Board Resolution RES-2017-219						
		Yes/Aye	No/Nay	Abstain	Absent	
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move						

Town Board Resolution 2017-220

Category: SEQRA
Sponsors: Supervisor Jay Schneiderman
Department: Long Range Planning

Assume Lead Agency for the Purpose of SEQRA Review for the Change of Zone Petition entitled "Speonk Commons" Requesting Change From Village Business (VB) and Residential (R-20) to Village Business (VB) and Multi-Family (MF44), Speonk

WHEREAS, in July 2016, Georgica Green Ventures (GGV) and the Town of Southampton Housing Authority (TSHA) submitted a request, pursuant to Town Code §330-185(C), for a public work session to discuss a proposed application for a change-of-zone; and

WHEREAS, specifically, GGV and TSHA seek a zoning change on a 4.27 acres (186,405 sq. ft.) parcel split zoned VB/R20 and located on the west side of North Phillips Avenue approximately 180 ft. north of Montauk Highway, within the Hamlet of Speonk (SCTM #900-350-2-18); and

WHEREAS, the project sponsors specifically request that the Village Business (VB) portion at the front of the site remain, but the zoning line be moved so that the portion zoned VB is effectively reduced by approximately 1 acre (resulting in 30,944 sq. ft. of land area zoned as VB) and the Residential (R-20) portion is requested for change to Multi-Family Residential (MF-44) and with the shift of the zoning boundary the area designated as MF-44 would increase by 1 acre (resulting in 150,644 sq. ft. of land area zoned MF-44). The applicants are further requesting to utilize the provisions of §330-8 to increase the permitted residential density on the parcel to 38 units to provide 100% affordable community benefit rental housing; and

WHEREAS, two public work sessions were held on the change-of-zone proposal on September 22, 2016 and October 6, 2016 where the Department of Land Management submitted a report and recommendation as provided in §330-185 (C) (1); and

WHEREAS, pursuant to Town Code §330-185(C) (4), by Resolution 2016-1041, the Town Board elected to consider a formal application on said proposal; and

WHEREAS, on December 15, 2016, the Town Clerk received a formal application for the change of zone; and

WHEREAS, the proposed Change of Zone is a Type I Action pursuant to the State Environmental Quality Review, and the regulating provisions of 6 NYCRR Part 617; and

WHEREAS, the following are deemed involved agencies:

1. Town of Southampton Town Board
2. Town of Southampton Planning Board
3. Suffolk County Department of Health Services
Office of Ecology, 360 Yaphank Avenue suite 2 B
Yaphank, New York 11980
4. Suffolk County Planning Commission
PO Box 6100
Hauppauge, NY 11788-0099

WHEREAS, the following are deemed interested agencies:

1. Suffolk County Water Authority
4060 Sunrise Highway
Oakdale, NY 11769
2. Southampton Town Engineer’s Office
3. Southampton Town Building and Zoning Division
4. Southampton Town Fire Marshal
5. Southampton Town Highway Department
6. Southampton Town Architectural Review Board
7. Southampton Town Police Department
8. Southampton Town Transportation Commission
9. Speonk/Remsenburg School District
10. Speonk/Remsenburg Civic Association

WHEREAS, pursuant to Resolution 2017-96 dated January 24, 2017, the Town Clerk forwarded the Change of Zone application to all involved agencies for the purposes of determining Lead Agency for the SEQRA review, and

WHEREAS, no involved agency has responded to the coordination request or made comments on the action at this time;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southampton hereby assumes Lead Agency, and will assess the potential significance of any associated adverse impacts on the environment pursuant to the State Environmental Quality Review Act and Chapter 157 of the Town Code, and

BE IT FURTHER RESOLVED, the Town Clerk is directed to notify all involved and interested agencies of the Town Board’s Lead Agency Status.

Financial Impact:

None

Ū Vote Record - Town Board Resolution RES-2017-220					
		Yes/Aye	No/Nay	Abstain	Absent
.. Adopted	Jay Schneiderman	..	..	..	..
.. Adopted as Amended	Julie Lofstad	..	..	..	..
.. Defeated	Christine Preston Scalera	..	..	..	..
.. Tabled	John Bouvier	..	..	..	..
.. Withdrawn	Stan Glinka	..	..	..	..
.. Failed To Move					

VIII. Closing