



Town Board Meeting of August 8, 2017 East Hampton, New York

I. Call to Order

10:00 AM Meeting called to order on August 8, 2017 at Montauk Firehouse, 12 Flamingo Avenue, Montauk, NY.

Attendee Name	Organization	Title	Status	Arrived
Kathee Burke-Gonzalez	Town of East Hampton	Councilwoman	Present	
Peter Van Scoyoc	Town of East Hampton	Councilman	Present	
Sylvia Overby	Town of East Hampton	Councilwoman	Present	
Fred Overton	Town of East Hampton	Councilman	Present	
Larry Cantwell	Town of East Hampton	Supervisor	Present	
Steve Graham	Town of East Hampton	Deputy Town Clerk	Present	
Beth Baldwin	Town of East Hampton	Asst. Attorney	Present	

II. Public Portion

Martin Drew, spoke about 18 and 20 in Hampton Waters along with another parcel on south pond road. He read a scenic easement which is located on these properties and believes the management plan is unsatisfactory and does not

Tom Gosman is here on behalf of Montauk United, and asked questions about a new FAA application the Town is working on and the new law firm the Town hired. This application is a part 161 and would ask the FAA to adopt restrictions at the Town Airport and the Montauk Airport. The Town is also trying to get legislation through congress so the town would have more local control of the airport. Both are being done so that the Town can have more local control over the Airport.

Martin London discussed helicopters in Montauk and noise complaints and the potential noise pollution issue moving to Montauk he is happy to hear that the part 161 application would include the discussion he had with the Town earlier. He suggests that if the Town gets the opportunity to adopt any local law with a sunset provision. He also posed a question what the budget would be for a part 161 application.

Tom asked the status of the lawsuit which is dead.

Supervisor Cantwell made a statement about the Town's efforts to collect data and combat the Airport's noise pollution.

III. Topics

A. *Piping Plover Update - Juliana Duryea*

Juliana Duryea from the Town's Natural Resource department presented on the Piping Plover update which is still preliminary. There is currently one fledge per pair which is less than the fish and wildlife number which is looking for 1.5 over 5 years, they have located 34 pairs this year. There are currently 3 chicks at Truck beach and one chick at Georgica Pond that have yet to Fledge. She explained that the Town follows the Federal guidelines pretty closely with the exception that they don't close the entire access point but rather fence of the nesting areas perpendicularly so beach driving is still permitted outside of the fenced in area.

Diane McNally spoke about the Trustees point of view on the piping plover locations, she said there is a lack of communication between the Natural resources department and the Trustees this year as opposed to previous years. She talked about the fencing being used and how it could be better utilized to prevent people, animals and vehicles to enter the specific nesting areas.

Todd Brunn from CFAR spoke about the calls they have been receiving and how the local students can get involved. He would like to see increased access at 'truck beach'.

B. *Seasonal Employee Ideas, Community Housing Opportunity Fund - Sylvia Overby or Tom Ruhle*

Job Potter spoke about the project which is a joint idea with the business committee in regards to Seasonal Employee housing. He believes that there is not just one answer to this problem but many issues.

Tom Ruhle spoke about the specific seasonal employee idea which came from the 2005 comp plan. He would like to state that seasonal housing is not the only idea that is being proposed. He spoke about one of the ideas which would allow residential homes in a commercial district to be rented by seasonal employees. This would require a change to the East Hampton Town code but does include 96 houses over 40 of which are located in Montauk. Concept 2, would allow affordable apartments in hotel/motels so that they can set aside a certain amount of units for employees. Concept 3 would allow any business except home businesses to construct new employee housing. Concept 4 would allow business owners to allow business owners to have an RV parked at the business.

Supervisor Cantwell spoke about Guests room and the history of them in the Town of East Hampton. He believes that these may be an option for seasonal summer housing. Job Potter likes the idea but believes that a clearing house of sorts would be necessary to vet people trying to rent rooms for the summer.

IV. Liaison Reports

Councilwoman Burke-Gonzalez met with Bruce Miller at the Airport in regards to outgoing flights, the airport was using this route on Friday because of outgoing flights. She also

spoke about the Robinson aviation contract which will need to go out to RFP. Wainscott CAC also met and included conversation with Deepwater Wind and it will also continue.

Councilman Van Scoyoc reported on the Montauk CAC meeting, which included upgraded PSEG services to Montauk there was also discussion on the new substation and battery backup in Montauk. They also discussed sidewalks and parking on the Edgemere Street. The Property management committee also met and were discussion property at Boys Harbor and the second house restoration.

Councilwoman Overby met with the recycling committee and they have currently revised the adopt-a-road program from 8 pages to two pages. They also have beaches and beach fire PSAs on WLNG, carry in and carry out were also discussed. She also met with the arts committee who had a networking night at 144 studios which is on North Main street. The EH/Sag CAC met about the Airport site and what that site could be if there was no Airport there.

Councilman Overton met with the Springs CAC who continued a discussion about the Springs School septic issues who are currently working on the repairs and upgrades to the system. There was also a discussion about a bus depot on Springs Fireplace Road at the site of the old Scavenger waste plant. There were numerous concerns regarding the traffic it would create.

Supervisor Cantwell mentioned that the PSEG project in Montauk is a pole replacement project.

V. Resolutions

A. COUNCILWOMAN BURKE-GONZALEZ

B. COUNCILMAN VAN SCOYOC

1. Resolution 2017-887

Category: Committees
Sponsors: Councilman Peter Van Scoyoc
Department: Town Board

Appoint Cindy Marshall to the Property Management Committee

BE IT RESOLVED, that Cindy Marshall is hereby appointed to the East Hampton Town Property Management Committee for the remainder of the calendar year 2017; and, be it further

RESOLVED, the Town Clerk is hereby requested to forward this resolution to Andy Harris, Chair., Property Management Committee.

✓ Vote Record - Resolution RES-2017-887							
<input checked="" type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted as Amended	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<input type="checkbox"/> Defeated	Peter Van Scoyoc	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Sylvia Overby	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Resolution 2017-888

Category: Local Law
Sponsors: Councilman Peter Van Scoyoc
Department: Town Attorney

Adopt Local Law Creating Chapter 209 Low Nitrogen Rebate Program

WHEREAS, the Town Board held a public hearing on August 3, 2017, regarding "A LOCAL LAW creating Chapter 209 (Low-Nitrogen Sanitary System Rebate Program) to create a rebate program for the voluntary upgrade of sanitary systems especially those in certain vulnerable water supply areas"; and

WHEREAS, after considering the matter and the comments of the public at the time of hearing, the Town Board believes that the enactment of this local law is in the best interests of the Town of East Hampton; and

WHEREAS, the proposed local law is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and chapter 128 (Environmental Quality review) of the Town Code, and an Environmental Assessment Form (EAF) has been prepared with regard to the proposal; and

RESOLVED, that the proposed change to the Town Code will not have a significant adverse environmental impact and a negative declaration is hereby adopted by this Board pursuant to SEQRA and Chapter 128 of the Town Code; and now, therefore be it

RESOLVED, said Local Law is hereby adopted to read as follows:

LOCAL LAW No. 27 of 2017
 Introductory No. 26 of 2017

A LOCAL LAW creating Chapter 209 (Low-Nitrogen Sanitary System Rebate Program) to create a rebate program for the voluntary upgrade of sanitary systems especially those in certain vulnerable water supply areas.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

This legislation is intended to establish a rebate program to encourage the voluntary upgrade of sanitary systems identified as potential sources of nitrogen pollution in the Town’s surface waters and sources of drinking water (the aquifer).

SECTION 2. Amendment

The East Hampton Town Code is hereby amended by adding the underlined words in a new Chapter 209 (Low-Nitrogen Sanitary System Rebate Program) as follows.

CHAPTER 209: Low-Nitrogen Sanitary System Rebate Program**§ 209-1. Definitions.**

Approved Costs - those costs associated with the replacement of a current sanitary system with a Low-Nitrogen Sanitary System including equipment, labor, materials and excavation directly related to the removal of the current sanitary system and/or installation of the new Low-Nitrogen Sanitary System, which have been reviewed by the Natural Resources Department and are deemed to be appropriate and necessary for the replacement of the particular system on the specific property. In determining whether a cost is appropriate and/or necessary, the Natural Resources Department will consider the usual and customary costs of certain equipment, materials, and labor, as well as any characteristics of the property that may aid or hinder the replacement.

Eligible Property Owners - residential property owners who meet the Basic STAR income eligibility requirements contained in §425 of the New York State Real Property Tax Law; and owners of property used for non-residential purposes.

Low-Nitrogen Sanitary System - any sanitary system that has been approved by Suffolk County Department of Health Services that has shown to reduce nitrogen levels to 19 milligrams or less per liter, until such time as Suffolk County Department of Health Services approves a sanitary system that reduces nitrogen levels to 10 milligrams or less per liter at which time that will constitute a Low-Nitrogen Sanitary System and the previous systems reducing to 19 milligrams or less will no longer constitute a Low-Nitrogen Sanitary System.

Water Protection District - includes all areas within the Harbor Protection Overlay District (Accabonac Harbor, Fort Pond, Georgica Pond, Lake Montauk, Hog Creek, Napeague Harbor, Northwest Creek, Northwest Harbor, Steppingstones Pond, Three Mile Harbor, Tuthill Pond and Wainscott Pond) as well as priority areas in the Montauk business district, Lake Montauk dock area, Ditch Plains, Camp Hero, southern Three-Mile Harbor watershed, south Hog Creek watershed, East Hampton Village Business Center, high density neighborhoods in Springs, Sag Harbor Water Quality Priority Area and Wainscott Pond Priority Area. The map of the Water Protection District is provided as Chapter 209 Attachment 1:1 - Water Protection District Map.

§ 209-2. Water Protection District Sanitary System Upgrade Rebate Program:

- A. Eligible property owners of property located in a Water Protection District who replace their existing sanitary system with a Suffolk County Department of Health Services approved Low-Nitrogen Sanitary System, are eligible from the Town of East Hampton for a rebate to reimburse for the cost of such replacement.
- B. The rebate will be for the reimbursement of approved costs associated with replacement including equipment, labor, materials and excavation directly related to the removal of the existing sanitary system and/or installation of the new Low-Nitrogen Sanitary System. The Town Board, by resolution duly adopted from time to time, shall establish the amount of the rebate.

§ 209-3. Sanitary System Replacement Rebate Program:

- A. Eligible property owners who replace a sanitary system with a Suffolk County Department of Health Services approved Low-Nitrogen Sanitary System, are eligible from the Town of East Hampton for a rebate to reimburse for the cost of such replacement.
- B. The rebate will be for the reimbursement of approved the costs associated with replacement including equipment, labor, materials and excavation directly related to the removal of the existing sanitary system and/or installation of the new Low-Nitrogen Sanitary System. The Town Board, by resolution duly adopted from time to time, shall establish the amount of the rebate.

§ 209-4. Rebate Eligibility Procedure

- A. Upon receipt of a Building Permit for replacing a sanitary system, a property owner must provide documentation to the Natural Resources Department that they are an Eligible property owner.
- B. Eligible property owners must submit a rebate application to the Natural Resources Department providing the information necessary to process the rebate. Such information shall include, but is not necessarily limited to: whether the property is located in a Water Protection District; the current sanitary system on the property; the proposed sanitary system; current location of the sanitary system; proposed location of the replacement system; a certified estimate from the contractor for the cost including equipment, labor, materials and excavation directly related to the removal of the current sanitary system and/or installation of the new Low-Nitrogen Sanitary System; and any approvals required to execute the replacement (i.e. site plan approval, Natural Resource Special Permit, etc.).
- C. Once an application is complete, the eligible property owner shall complete the replacement of the sanitary system within six months of the acceptance of the application as complete. The Natural Resources Department has the discretion to issue an extension for no more than two months for good cause shown.
- D. Once the replacement of the sanitary system is complete, the eligible property owner must submit to the Natural Resources Department, a Suffolk County Department of Health Services WWM-073 Form (if available) and a notarized certification from the contractor who performed the replacement which must include:
 - (1) That the replacement of the sanitary system was performed in compliance with the requirements of the Suffolk County Department of Health Services; and
 - (2) A statement or receipt detailing the actual costs for equipment, labor, materials and excavation directly related to the removal of the current sanitary system and/or installation of the new Low-Nitrogen Sanitary System.
 - (3) Upon receipt of all documentation required under this section, the Natural Resources Department shall authorize the issuance of a rebate in the amount applicable under Sections Two or Three, for approved costs.

§ 209-5. Funding

Funding for the Low-Nitrogen Sanitary System Rebate Program may be provided as a water quality improvement project under Chapter 112 of the Town Code. Payment of rebates shall be subject to availability of funding under such project.

SECTION 3. - Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §261.

SECTION 4. - Severability.

If any section of 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 immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

✓ Vote Record - Resolution RES-2017-888						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peter Van Scoyoc	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sylvia Overby	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Resolution 2017-889

Category: Local Law
Sponsors: Councilman Peter Van Scoyoc
Department: Town Attorney

Adopt Local Law Amending Chapter 210 to Rename as "Sanitary Systems" and Set Higher Standards

WHEREAS, the Town Board held a public hearing on August 3, 2017, regarding "A LOCAL LAW amending Chapter 210 (Scavenger Waste) to rename the chapter 'Sanitary Systems', adapt the provisions to apply town wide to sanitary systems, and require low-nitrogen systems for all new construction and replacements of sanitary systems"; and

WHEREAS, after considering the matter and the comments of the public at the time of

hearing, the Town Board believes that the enactment of this local law is in the best interests of the Town of East Hampton; and

WHEREAS, the proposed local law is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and chapter 128 (Environmental Quality review) of the Town Code, and an Environmental Assessment Form (EAF) has been prepared with regard to the proposal; and

RESOLVED, that the proposed change to the Town Code will not have a significant adverse environmental impact and a negative declaration is hereby adopted by this Board pursuant to SEQRA and Chapter 128 of the Town Code; and now, therefore be it

RESOLVED, said Local Law is hereby adopted to read as follows:

LOCAL LAW No. ____ of 2017
Introductory No. 25 of 2017

A LOCAL LAW amending Chapter 210 (Scavenger Waste) to rename the chapter 'Sanitary Systems', adapt the provisions to apply town wide to sanitary systems, and require low-nitrogen systems for all new construction and replacements of sanitary systems.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

This legislation is intended to implement a shift to the installation and use of sanitary systems that reduce nitrogen levels at a significantly greater rate than conventional systems, and to support a rebate program to encourage the voluntary upgrade of sanitary systems.

SECTION 2. Amendment

Chapter 210 (Scavenger Waste) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

Chapter 210. ~~Scavenger Waste~~ Sanitary Systems

SECTION 3. Amendment

Chapter 210 (Scavenger Waste) Article 1 (General Provisions) Section 1 (Title) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

This chapter shall be known and may be cited as the "East Hampton Town ~~Scavenger Waste~~ Sanitary Systems Law."

SECTION 4. Amendment

Chapter 210 (Scavenger Waste) Article 1 (General Provisions) Section 2 (Purpose) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

The purpose of this chapter is to ~~provide for the funding and proper operation of the East Hampton town scavenger waste treatment plant and to assure the proper siting, construction and maintenance of all individual on-site wastewater disposal sanitary systems (septic tanks, cesspools, leaching fields, etc.) and sewage treatment plants in the Town of East Hampton Wastewater Disposal District which the scavenger waste treatment plant is designed to serve.~~ By so doing, it is intended to protect and preserve the town's natural resources and potable water supply and thereby the public health and safety and to promote the installation and proper use of Low-Nitrogen Sanitary Systems.

SECTION 5. Amendment

Chapter 210 (Scavenger Waste) Article 1 (General Provisions) Section 3 (Applicability) of the East Hampton Town Code is hereby amended to remove all words crossed out as follows:

Unless indicated by specific language to the contrary, the provisions of this chapter shall apply to all properties located in the Town of East Hampton ~~Wastewater Disposal District established by resolution of the East Hampton Town Board on September 16, 1983, and the order of the State Comptroller dated April 26, 1983, as the boundaries of such district may from time to time be amended as provided for by law.~~

SECTION 6. Amendment

Chapter 210 (Scavenger Waste) Article 1 (General Provisions) Section 4 (Definitions) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

Unless the context indicates otherwise, the following terms shall, for the purposes of this chapter, have the following meanings:

BOARD

~~The East Hampton Town Board, acting for and on behalf of the town or the Town of East Hampton Wastewater Disposal District.~~

CARTER

~~Any trucker, hauler or enterprise providing (or licensed to provide) system pumping and/or other maintenance assistance for on-site wastewater disposal systems or sewage treatment plants as the same are defined herein.~~

CESSPOOL

Any in-ground wastewater disposal system which incorporates or operates as a combined septic tank/drain field process without a separate and distinct septic tank as defined herein. See "drain field" and "septic tank."

DISTRICT

~~The Town of East Hampton Wastewater Disposal District.~~

DRAIN FIELD

A title field consisting of perforated pipes located in below-ground trenches, or a

circular below-grade tank with openings in the sidewalls, which serves to allow clarified effluent from a septic tank to percolate into the ground.

EASEMENT

A property interest in land owned by another entitling its holder to a specific limited use.

HIGH-FREQUENCY SYSTEM

An on-site wastewater disposal system of any configuration which is pumped out more than one time in any thirty-day period.

ON-SITE WASTEWATER DISPOSAL SANITARY SYSTEM

Any in-ground cesspool, septic tank or drain field as defined herein, or any combination of such structures, used for the disposal of sanitary sewage and normal domestic wastes generated on or near the property on which the system is located, and sometimes referred to as a "disposal system" or simply a "system." Compare a "sewage treatment plant."

LOW-NITROGEN SANITARY SYSTEM

Any sanitary system that has been approved by Suffolk County Department of Health Services that has shown to reduce nitrogen levels to 19 milligrams or less per liter, until such time as Suffolk County Department of Health Services approves a sanitary system that reduces nitrogen levels to 10 milligrams or less per liter at which time that will constitute a Low-Nitrogen Sanitary System and the previous systems reducing to 19 milligrams or less will no longer constitute a Low-Nitrogen Sanitary System.

PERSON

Any individual, firm, partnership, association, corporation, company, organization or other recognized legal entity of any kind, including municipal corporations or other governmental agencies or subdivisions thereof, excluding only the Town of East Hampton and the Town of East Hampton Wastewater Disposal District.

SANITATION INSPECTOR

Any town employee(s) authorized by resolution of the Town Board to carry out one or more of the functions assigned herein to the Sanitation Inspector or simply to the Inspector.

~~SCAVENGER WASTE~~

~~The solid and liquid material removed from an on-site wastewater disposal system (usually from the cesspool or septic tank) during pumping, sometimes referred to as "septage."~~

~~SCAVENGER WASTE TREATMENT PLANT~~

~~The municipal treatment facility operated by the Town of East Hampton Wastewater Disposal District and designed to receive scavenger waste and some sludges and to treat the same to quality levels acceptable for in-ground discharge in accordance~~

~~with a previously issued State Pollutant Discharge Elimination System permit.~~

SEPTIC TANK

Any buried, watertight receptacle designed and constructed to receive wastewater from a home, business enterprise or other source, to separate solids from liquid, to provide limited digestion of organic matter, to store solids and to allow the clarified liquid to then pass on to other structures for percolation into the ground.

SEWAGE TREATMENT PLANT

~~Any arrangement of devices and structures used for treating sewage which is not an on-site wastewater disposal system as defined herein. So-called package treatment plants for residential or commercial developments shall be included in this definition, but this definition shall not be deemed to include the scavenger waste treatment plant.~~

SLUDGE

~~The semiliquid by-product of a sewage treatment plant not in excess of 6% solids. Neither the treated effluent, dewatered sludge nor any solid by-products which are also produced by such a plant shall be included in this definition.~~

SUPERINTENDENT

The person in charge of the operation and maintenance of the scavenger waste treatment plant.

SECTION 7. Amendment

Chapter 210 (Scavenger Waste) Article 2 (Transportation) is deleted in its entirety.

SECTION 8. Amendment

Chapter 210 (Scavenger Waste) Article 3 (Construction of Disposal Systems and Treatment Plants) Section 1 (Building permit required) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

No person shall construct, alter, modify, repair or replace any ~~on-site wastewater disposal~~sanitary system as defined herein (including any septic tank or cesspool) ~~or any sewage treatment plant as defined herein, or any part of either such facility,~~ located within the Town of East Hampton ~~Wastewater Disposal District,~~ without having first obtained from the East Hampton Town Building ~~Inspector~~Department a building permit for such work. Such permit shall state the exact location and address of the work in the manner and form specified by the Building Inspector. No such permit shall be issued until the proposed work has been approved by the Suffolk County Department of Health Services.

SECTION 9. Amendment

Chapter 210 (Scavenger Waste) Article 3 (Construction of Disposal Systems and Treatment Plants) Section 1 (Other requirements) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

A. All ~~new~~ construction of ~~septic tanks, cesspools or other on-site~~sanitary systems shall conform to Standards for Sewage and Waste Disposal Systems, as then established by the

Suffolk County Department of Health Services, to all applicable wetland setbacks of the New York State Department of Environmental Conservation and of the Town of East Hampton and all other applicable local, county and state regulations concerning the siting of such structures and systems. No building permit for any such ~~new~~ work shall issue until all applicable provisions of the Town Code, including provisions of Chapter **255**, Zoning, have been complied with.

B. In addition to the conditions provided for in paragraph **A**, for all the following circumstances the sanitary systems installed must be, or the current sanitary system must be upgraded to, a Low-Nitrogen Sanitary System as defined in **§ 210-1-4**:

- (1) All construction of new buildings and structures where a sanitary system did not previously exist;
- (2) Any voluntary replacement of an existing sanitary system;
- (3) All substantial expansion of existing structures as defined in **§ 255-1-20**;
- (4) All large capacity cesspools mandated to upgrade pursuant to EPA regulations;
- (5) All nonresidential properties that require site plan review pursuant to **§ 255-6-30B paragraphs (2), (4) or (5)**.

C. The Planning Board may issue an extension for compliance with the provisions of this section upon a showing of good cause. Good cause must be based upon a showing that compliance is impossible due to physical limitations and lack of an approved Low-Nitrogen Sanitary System to address and accommodate such limitations. It is not good cause if a Low-Nitrogen Sanitary System exists that would accommodate such limitations, but does not accommodate the site plan applicant's proposal to increase occupancy or use. Such extension shall not be granted until the Planning Board has received proof that the owner/applicant has recorded the following covenants and restrictions in the office of the Suffolk County Clerk. The covenants and restrictions must provide that:

- (1) The owner/applicant acknowledges that under the provisions of this section he/she is required to upgrade the sanitary system on the subject property as soon as possible; and
- (2) The owner/applicant seeks an extension to comply with the provisions of this section; and
- (3) That upon approval of a Low-Nitrogen Sanitary System that can accommodate the physical limitations of the property - or upon availability of a Community Sanitary System that the subject property can hook up to, the owner/applicant must install the Low-Nitrogen Sanitary System or hook up to the Community Sanitary System within one (1) year of the availability of such option; and
- (4) That failure to comply with these covenants and restrictions may subject the owner/applicant to the penalties contained in the East Hampton Town Code including, but not limited to, the revocation of the extension for compliance; and
- (5) That this extension and these covenants and restriction run with the land, and to that end, all references herein to owner/applicant shall be deemed to also refer to owner/applicant's successors in interest.

SECTION 10. Amendment

Chapter 210 (Scavenger Waste) Article 3 (Construction of Disposal Systems and Treatment Plants) Section 3 (Exception for repair or replacement) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

Notwithstanding anything in the preceding section nor any provision to the contrary in Chapter **255**, Zoning, of the Town Code, a building permit obtained solely for the purpose of repairing or upgrading to a Low-Nitrogen Sanitary System~~replacing, in place and in kind, all or part of an existing on-site wastewater disposal~~sanitary system or sewage treatment plant, which ~~facility~~ complies in all respects with the current standards and requirements of the Suffolk County Sanitary Code and meets all current setbacks for such systems in the Town Code, or is being placed such that the location of the sanitary system will be consistent with the location of the current sanitary system in relation to setbacks, may be issued without town site plan review, special permit review or other local review and approval which might be a prerequisite to issuance of other similar building permits on the particular property in question, provided that all other conditions for issuance of the requested building permit, including approval by the Suffolk County Department of Health Services, have been met by the applicant to the satisfaction of the Building Inspector. This section shall not apply to proposed expansions of existing on-site ~~disposal~~sanitary systems or ~~sewage treatment plants~~ nor to any other new work whatsoever.

SECTION 11. Amendment

Chapter 210 (Scavenger Waste) Article 3 (Construction of Disposal Systems and Treatment Plants) Section 4 (Accessibility) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

To the extent practicable and consistent with the preceding sections, all new construction of ~~on-site disposal~~sanitary systems shall be located on a site so that inspection, and maintenance and pumping of such systems can be carried out without excessive difficult, or trespass on the lands of another. Thereafter, new buildings, structures, landscaping, etc., shall not be constructed or located so as to restrict such free access.

SECTION 12. Amendment

Chapter 210 (Scavenger Waste) Article 3 (Construction of Disposal Systems and Treatment Plants) Section 5 (Ability to inspect) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

Unless forbidden in a particular case by the Department of Health Services, all ~~septic tank~~sanitary systems shall be constructed ~~with a chimney or inspection port at or near ground level and shall be covered and secured~~ in a manner that permits inspection of the system as provided for herein without the removal of large amounts of grass, dirt, landscaping or other material.

SECTION 13. Amendment

Chapter 210 (Scavenger Waste) Article 3 (Construction of Disposal Systems and Treatment Plants) Section 6 (Fee for building permit) of the East Hampton Town Code is hereby amended to remove all words crossed out as follows:

The fee charged for building permits obtained under this article shall be in such amount as shall be, from time to time, prescribed by resolution of the Town Board. Different fee schedules for residential and commercial properties, ~~for sewage treatment plants or for different types or sizes of on-site disposal systems may be established. The Board may also designate a part of any fee charged as being for district use only.~~

SECTION 14. Amendment

Chapter 210 (Scavenger Waste) Article 4 (District Operation) is deleted in its entirety.

SECTION 15. Amendment

Chapter 210 (Scavenger Waste) Article 5 (Inspections) Section 1 (Required Inspections) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

Beginning four years after the effective date of this chapter, the town shall require inspection of every ~~on-site wastewater disposal system and sewage treatment plant~~Low-Nitrogen Sanitary System at least once every three years by qualified persons employed by or for the town. Inspections shall also be required and may be made at any time when the Sanitation Inspector has reason to believe a system ~~or plant~~ is malfunctioning, has been illegally modified or expanded or is being operated beyond its design limits, or for other similar good cause shown.

SECTION 16. Amendment

Chapter 210 (Scavenger Waste) Article 5 (Inspections) Section 2 (Right of entry; limitations) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

By applying for and obtaining any permit required under this chapter, the property owner, ~~and the system or plant owner, if different,~~ shall be deemed to have given consent, at the time of applying for and obtaining such permit, to any inspectors employed by or for the town or the district to enter onto the subject premises to make the necessary inspections called for herein. Such consent runs with the property, and is assumed by subsequent property owners upon obtaining possession of said property. Except in emergencies, the hours of inspection shall be limited to the hours from 9:00 a.m. to 5:00 p.m. on Monday through Friday, and 10 days' written notice shall be given to the owner that an inspection is to be made. Only in cases where the Sanitation Inspector reasonably believes an emergency to exist may such notice be dispensed with. Any town or district officer, employee or agent operating under this chapter may enter onto any property ~~in the district~~ to make the inspections called for herein and may remove the minimum amount of grass, shrubs, vegetation, topsoil, dirt and other coverings of any system where such removal is required to complete an authorized inspection, and no civil claim shall lie against such inspector, the town or the district for any damages reasonably and necessarily resulting from such authorized activity.

SECTION 17. Amendment

Chapter 210 (Scavenger Waste) Article 6 (Maintenance) Section 1 (Required maintenance) of the East Hampton Town Code is hereby amended by renaming the section "Required maintenance and monitoring" and to add the underlined words and remove all words crossed out as follows:

~~Every owner of an on-site wastewater disposal system constructed after the effective date hereof shall have the same pumped or cleaned out at least once every three years, unless such system shall have been specifically exempted in writing by the Sanitation Inspector. Any system constructed prior to such effective date but which is repaired, reconstructed, altered, modified or expanded after such effective date shall also be pumped or cleaned out at least once every three years thereafter. All other such systems existing in the district shall be pumped or cleaned out within 20 days after the owner receives from the Sanitation Inspector or Director of Environmental Protection written notice that the system is not operating properly or is otherwise in need of such servicing.~~ a Low-Nitrogen Sanitary System as defined in § 210-1-4, must maintain such system in accordance with the manufacturer's recommendations and monitor the effectiveness of such system to assure that it continues to function in a manner to be considered a Low-Nitrogen Sanitary System (as such was defined at the time of installation of the system) in its efficiency in removing nitrogen.

~~Every owner of an on-site wastewater disposal system constructed after the effective date hereof shall have the same pumped or cleaned out at least once every three years, unless such system shall have been specifically exempted in writing by the Sanitation Inspector. Any system constructed prior to such effective date but which is repaired, reconstructed, altered, modified or expanded after such effective date shall also be pumped or cleaned out at least once every three years thereafter. All other such systems existing in the district shall be pumped or cleaned out within 20 days after the owner receives from the Sanitation Inspector or Director of Environmental Protection written notice that the system is not operating properly or is otherwise in need of such servicing.~~ a Low-Nitrogen Sanitary System as defined in § 210-1-4, must maintain such system in accordance with the manufacturer's recommendations and monitor the effectiveness of such system to assure that it continues to function in a manner to be considered a Low-Nitrogen Sanitary System (as such was defined at the time of installation of the system) in its efficiency in removing nitrogen.

SECTION 18. Amendment

Chapter 210 (Scavenger Waste) Article 7 (Administration and Enforcement) Section 1 (Sanitation Inspector) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

§ 210-7-1. Sanitation Inspector.

The Town Board shall appoint a Sanitation Inspector who shall be primarily responsible for the administration and enforcement of this chapter. Such Sanitation Inspector shall be a member of an existing town department, and wWith the consent of the Town Board, the Sanitation Inspector may designate other persons to assist him or her in his or her duties. Unless specifically limited by the Inspector or the Board, such other persons shall have all of the functions, responsibilities and authority given to the Sanitation Inspector hereunder.

SECTION 19. Amendment

Chapter 210 (Scavenger Waste) Article 7 (Administration and Enforcement) Section 2 (Notice of violations) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

- A. Use and effect of notice. Whenever the Sanitation Inspector has reasonable grounds to believe that operations regulated hereby are being conducted in violation of the

provisions of this chapter or are not in compliance with a permit or other license issued hereunder, he or she may notify the owner of the property, the owner's agent or the person performing such operations to modify or suspend all or part of such operations, and any such person shall forthwith comply with such notice of violation until the same has been rescinded. He or she may also issue such notices with regard to ~~wastewater disposal~~ sanitary systems ~~or sewage plants~~ which are malfunctioning or whose operations are resulting in a violation of § **180-7** of the Town Code (pollution by discharge of wastes or contaminants). To the extent that any notice of violation issued hereunder requires immediate suspension, modification or cessation of any operation(s), it shall be deemed to be a stop-work order.

- B. Form of notice. A notice of violation shall be in writing, shall specify the violation(s) and shall state the conditions which must be complied with and the time within which compliance must be completed. If suspension of operations has been required, the notice shall so state with clarity and shall describe under what conditions, if any, said suspended operations will be permitted to be resumed.
- C. Service. A notice of violation shall be served upon the person to whom it is directed by delivering it to him or her personally or by posting the same in a conspicuous place on the premises where operations are conducted and by mailing a copy thereof to such person by certified mail to his or her last known address.
- D. Extension of time to comply. The Inspector may extend the time for compliance specified in any notice of violation where there exists evidence of intent to comply within the time period specified, conditions exist which prevent complete compliance within such originally specified time period and he or she has determined that there will be no threat to public health, safety or property from a short additional period of continued noncompliance.
- E. Effect of failure to comply. In the event that the person upon whom a notice of violation has been served shall fail to comply with the same within the time period specified, or any extended time period later granted by the Inspector, any and all permits, licenses, authorizations or permissions issued to the person pursuant to this chapter shall be deemed revoked.
- F. No effect on other remedies. Nothing in this section concerning the nature and effect of notices of violations shall be construed as limiting the authority of the Sanitation Inspector to pursue any necessary and appropriate legal means to properly and effectively administer and enforce the provisions of this chapter and to obtain compliance therewith. In addition to any other legal remedies available to him or her, the Inspector may, after consultation with the Town Attorney, file criminal informations and commence court proceedings on behalf of the town or the district to compel such compliance.

SECTION 20. Amendment

Chapter 210 (Scavenger Waste) Article 7 (Administration and Enforcement) Section 3 (Additional enforcement officers) of the East Hampton Town Code is hereby amended to add the underlined words and remove all words crossed out as follows:

In addition to enforcement by the Sanitation Inspector, the provisions of this chapter may

be enforced by the Town Building Inspector and the Town Director of ~~Environmental Protection~~Natural Resources, whether or not either is serving as Sanitation Inspector. For Such enforcement purposes only, each such officer shall be deemed to have the same authority as is given in this article to the Sanitation Inspector to enforce this chapter.

SECTION 21. Amendment

Chapter 210 (Scavenger Waste) Article 7 (Administration and Enforcement) Section 5 (Penalties for offenses) of the East Hampton Town Code is hereby amended to remove all words crossed out as follows:

Any ~~carter~~, owner, occupant, builder, architect, contractor, agent or other person who commits, takes part in or assists in a violation of this chapter shall be liable upon conviction for a fine not to exceed \$500 (or any lesser amount which may be specified herein for a particular violation) or imprisonment for a period not to exceed 15 days, or both. Each day on which such violation shall occur or be maintained shall constitute a separate additional offense.

SECTION 22. Amendment

Chapter 210 (Scavenger Waste) Article 4 (Administration and Enforcement) Section 7 (Severability) is deleted in its entirety.

SECTION 23. - Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §261.

SECTION 24. - Severability.

If any section of 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 25. - Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law. However, the requirements of Section 210-3-1, paragraphs A and B, shall not go into effect until January 1, 2018, and thereafter shall not apply to any property for which Suffolk County Department of Health Services has issued an approval for the proposed sanitary system on or before January 1, 2018.

✓ Vote Record - Resolution RES-2017-889						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peter Van Scoyoc	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sylvia Overby	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Resolution 2017-890

Category: Fees
Sponsors: Councilman Peter Van Scoyoc
Department: Town Attorney

Set Low-Nitrogen Sanitary System Rebate Amounts

WHEREAS, Chapter 209 "Low-Nitrogen Sanitary System Rebate Program", created on August 8, 2017, sets forth certain rebates the amount of such are to be established and amended from time to time by Resolution of the Town Board;

NOW, THEREFORE, BE IT:

RESOLVED, that the following rebate schedule is hereby adopted and shall remain effective until modified by further Resolution of this Board:

Pursuant to ? 209-2 Water Protection District Sanitary System Upgrade Rebate Program:

For eligible property owners of property located in a Water Protection District who replace their existing sanitary system with a Suffolk County Department of Health Services approved Low-Nitrogen Sanitary System, the amount of the rebate will be for 100% of the approved costs associated with replacement including equipment, labor, materials and excavation directly related to the removal of the cesspool and/or installation of the new Low-Nitrogen Sanitary System, up to a maximum rebate amount of \$16,000.

Pursuant to ? 209-3. Sanitary System Replacement Rebate Program:

For eligible property owners who replace a sanitary system with a Suffolk County Department of Health Services approved Low-Nitrogen Sanitary System, the amount of the rebate will be for 75% of the costs associated with replacement including equipment, labor, materials and excavation directly related to the removal of the cesspool and/or installation of the new Low-Nitrogen Sanitary System, up to a maximum rebate amount of \$10,000.

For eligible property owners who meet the income/asset requirements for Affordable Housing set by the Suffolk County Consortium HOME Improvement Program, the amount of the rebate will be for 100% of the approved costs associated with replacement, up to a maximum rebate amount of \$16,000.

✓ Vote Record - Resolution RES-2017-890						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peter Van Scoyoc	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sylvia Overby	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Resolution 2017-891

Category: Fees
Sponsors: Councilman Peter Van Scoyoc
Department: Town Attorney

Waiver of Fees to Upgrade Septic System

WHEREAS, the Town Board is encouraging the voluntary upgrade of sanitary systems identified as potential sources of nitrogen pollution in the Town's surface waters and sources of drinking water (the aquifer);

WHEREAS, the Town Board realizes that certain Town fees can add to the cost of upgrading a sanitary system to a Low-Nitrogen Sanitary System;

WHEREAS, the fees for Building Permits and Certificates of Occupancy are currently set by Resolution 2015-452;

WHEREAS, the fees for Natural Resource Special Permits are currently set by Resolution 2016-141:

NOW, THEREFORE, BE IT:

RESOLVED, that effective immediately, that for a property owner seeking approval limited solely to upgrading a sanitary system by replacing it with a Low-Nitrogen Sanitary System as that term is defined in Section 210-1-4, that the fee for a Building Permit, a Certificate of Occupancy and a Natural Resource Special Permit (not including a request for a variance) are hereby waived.

✓ Vote Record - Resolution RES-2017-891						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Peter Van Scoyoc	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Sylvia Overby	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. COUNCILWOMAN OVERBY

D. COUNCILMAN OVERTON

E. SUPERVISOR CANTWELL

1. Resolution 2017-892

Category: Fees
Sponsors: Supervisor Larry Cantwell
Department: Police Department

Detective Hopson Annual Training Homicide Seminar

WHEREAS, officer personnel of the East Hampton Town Police Department have been attending important training; now, therefore be it

RESOLVED, that **Detective Charles E. Hopson**, is hereby authorized to attend **Colonel Henry F. Williams Homicide Seminar** sponsored by the New York State Police to be held **at the Radisson Hotel Albany, New York, from September 10, 2017 through September 15, 2017**; and be it further

RESOLVED, that Registration Fees, fuel, tolls and all other allowable expenses will be paid from Budget Account **B3120.54231** upon voucher(s) properly submitted in an amount not to exceed **\$1,150.00**.

✓ Vote Record - Resolution RES-2017-892						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peter Van Scoyoc	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sylvia Overby	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Resolution 2017-893

Category: Conference
Sponsors: Supervisor Larry Cantwell
Department: Police Department

Detective Orlando and Hogan CSI Training

WHEREAS, officer personnel of the East Hampton Town Police Department have been attending important training; now, therefore be it

RESOLVED, that **Detective David Orlando** and **Detective Ryan Hogan**, are hereby authorized to attend the **CSI For Realists Seminar** sponsored by the **Suffolk County**

Medical Examiners Office to be held at **Suffolk County Community College (Grant Campus)** from **September 25, 2017** through **September 27, 2017**; and be it further

RESOLVED, that Registration Fees, fuel, tolls and all other allowable expenses will be paid from Budget Account **B3120.54231** upon voucher(s) properly submitted in an amount not to exceed **\$400.00**.

✓ Vote Record - Resolution RES-2017-893						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Peter Van Scoyoc	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Sylvia Overby	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Larry Cantwell	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Resolution 2017-894

Category: Local Law
Sponsors: Supervisor Larry Cantwell
Department: Town Attorney

Adopt Local Law Amending Chapter 5 - Authorized Officials

WHEREAS, the Town Board held a public hearing on August 3, 2017, regarding "A LOCAL LAW amending Chapter 5 to clarify which employees of the Department of Public Safety are authorized to issue and serve an appearance ticket"; and

WHEREAS, after considering the matter and the comments of the public at the time of hearing, the Town Board believes that the enactment of this local law is in the best interests of the Town of East Hampton; and

WHEREAS, the proposed local law is a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.5 and Chapter 128 of the Town Code requiring no further environmental review; and now, therefore be it

RESOLVED, said Local Law is hereby adopted to read as follows:

LOCAL LAW No. ____ of 2017
 Introductory No. 30 of 2017

A LOCAL LAW amending Chapter 5 to clarify which employees of the Department of Public Safety are authorized to issue and serve an appearance ticket.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

This legislation is intended to clarify that the Assistant Director of Public Safety and Town Investigators are employees of the Department of Public Safety authorized to issue and serve appearance tickets.

SECTION 2. Amendment

The East Hampton Town Code is hereby amended by amended Chapter 5 (Appearance Tickets) Section 2 (Enumeration of Authorized Officials) to add the underlined words as follows:

The following public servants of the Town of East Hampton are hereby authorized to issue and serve an appearance ticket with respect to the violation of a state statute that such public servants are required to or authorized to enforce, or any local law, ordinance, rule or regulation of the Town of East Hampton:

A. Director of Public Safety, Assistant Director of Public Safety, Director of Code Enforcement, Chief Town Investigator, Town Investigators, and Ordinance Enforcement Officers assigned to the Ordinance Enforcement Department.

B. Chief Building Inspector, Senior Building Inspector and Building Inspectors assigned to the Building Department.

C. Chief Fire Marshal, Assistant Chief Fire Marshal and Fire Marshals assigned to the Department of Fire Prevention.

D. Harbormasters and Bay Constables assigned to the Department of Harbors and Docks.

E. Animal Shelter Supervisor and Animal Control Officers assigned to the Department of Animal Control.

SECTION 3. - Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §261.

SECTION 4. - Severability.

If any section of 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 immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

✓ Vote Record - Resolution RES-2017-894						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peter Van Scoyoc	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sylvia Overby	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Resolution 2017-895

Category: Approvals
Sponsors: Supervisor Larry Cantwell
Department: Town Attorney

Legal Action - Ruschmeyer Hospitality

BE IT RESOLVED, that the Town Board hereby authorizes the of the Office of the Town Attorney to initiate, prosecute, and resolve a legal action against the appropriate parties regarding the use and occupancy of a property commonly known as 151 Second House Road, Hamlet of Montauk, Town of East Hampton as more particularly described on the Suffolk County Tax Map Number 300-48-1-2.

✓ Vote Record - Resolution RES-2017-895						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Kathee Burke-Gonzalez	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peter Van Scoyoc	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sylvia Overby	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VI. Executive Session

A motion was made by Councilman Van Scoyoc at 12:19 P.M. Seconded by Councilwoman Overby to go into executive session at 1:00PM at the Town Board Meeting room to discuss personnel matters.