

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

FILED
STATE RECORDS

DEC 28 2016

of Southampton

DEPARTMENT OF STATE

Local Law No. 15 of the year 20 16

A local law

(Insert Title)

A LOCAL LAW amending Southampton Town Code Chapter 140, (Community Preservation Fund) to (i) extend the effective date of the Community Preservation Fund Real Estate Transfer Tax, imposed pursuant to Article 31-D of the State Tax Law, until December 31, 2050, and (ii) authorize the use of a portion of the Community Preservation Fund, not to exceed 20%, for water quality improvement projects.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Southampton as follows:

(See attached)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 15 OF 2015

A LOCAL LAW amending Southampton Town Code Chapter 140 (Community Preservation Fund) to (i) extend the effective date of the Community Preservation Fund Real Estate Transfer Tax, imposed pursuant to Article 31-D of the State Tax Law, until December 31, 2050, and (ii) authorize the use of a portion of the Community Preservation Fund, not to exceed 20%, for water quality improvement projects.

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

SECTION 1. Amendment.

The Southampton Town Code is hereby amended by adding the underlined words as follows:

ARTICLE VI

Water Quality Improvement

§140-29. Purpose.

- A. The purpose of this Article shall be to implement the authority delegated by the State to the Town of Southampton pursuant to Chapter 551 of the Laws of 2015.
- B. Specifically, this Article shall permit the Town to use up to 20% of the Community Preservation Fund's annual revenues to undertake water quality improvement projects, as defined herein, in order to preserve community character by improving water quality. The Town shall use the prior calendar's year revenue to determine the maximum amount available for water quality improvement project allocations pursuant to the state-mandated limit of up to 20%.
- C. Projects eligible for funding shall include: (1) wastewater treatment improvement projects, (2) non-point source abatement and control program projects developed pursuant to section 11-b of the Soil and Water Conservation Districts Law, section 1455b of the Federal Coastal Zone Management Act, or Article 42 of the Executive Law, (3) aquatic habitat restoration projects, (4) pollution prevention projects, and (5) the operation of the Peconic Bay National Estuary Program, as designated by the United State Environmental Protection Agency.
- D. Eligible projects shall also include those undertaken by the Town through a watershed protection improvement district, created pursuant to Article 12 or 12-A of Town Law.
- E. No monies from the fund shall be expended for a water quality improvement project by the Town unless such project has first been certified by the Town Board pursuant to §140-33 herein.

§140-30. Authority.

Pursuant to Chapter 551 of the Laws of 2015, the Town Board is hereby authorized to utilize revenues from the Community Preservation Fund to implement water quality improvement projects in accordance with a plan to preserve community character, pursuant to Article III of this Chapter. A maximum of twenty (20) percent of the Fund's annual revenues may be utilized for the implementation of water quality improvement projects, provided that where such water quality improvement funds are utilized for the operation of the Peconic Bay National Estuary Program, the use of such funds shall only be utilized to match federal, state,

county, or other public or private funds on a dollar for dollar basis, not to exceed ten (10) percent of the annual amount appropriated for water quality improvement projects.

§140-31. Definitions.

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

AQUATIC HABITAT RESTORATION PROJECT - planning, design, construction, management, maintenance, monitoring, reconstruction, revitalization, or rejuvenation activities intended to improve waters of the state of ecological significance or any part thereof, including, but not limited to, ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines thereof, to support a spawning, nursery, wintering, migratory, nesting, breeding, feeding, or foraging environment for fish and wildlife and other biota.

POLLUTION PREVENTION PROJECT - planning, design, construction, improvement, maintenance or acquisition of facilities, production processes, equipment or buildings owned or operated by municipalities for the reduction, avoidance, or elimination of the use of toxic or hazardous substances, or the generation of such substances or pollutants so as to reduce risks to public health or the environment, including changes in production processes or raw materials. Such projects shall not include incineration, transfer from one medium of release or discharge to another medium, off-site or out-of-production recycling, end-of-pipe treatment, or pollution control.

REGIONAL WATER QUALITY IMPROVEMENT PLAN - a water quality improvement plan adopted pursuant to state or federal law, which has as its purpose the improvement of water quality in all or part of the Peconic Bay region, including, but not limited to, (i) the comprehensive conservation and management plan (CCMP) for the Peconic Estuary Program pursuant to the National Estuary Program (P.L. 100-4) under the Clean Water Act (P.L. 92-500), (ii) the Comprehensive Conservation and Management Plan (CCMP) for the Long Island Sound Estuary Program, pursuant to the National Estuary Program (P.L. 100-4) under the Clean Water Act (P.L. 92-500), (iii) the South Shore Estuary Reserve Comprehensive Management Plan, pursuant to 46 of the Executive Law, and (iv) the Long Island Nitrogen Management and Mitigation Plan, pursuant to Chapter 53 of the Laws of 2015, including any amendments or updates to such plans.

STORMWATER COLLECTING SYSTEM - systems of conduits and all other construction, devices, and appliances appurtenant thereto, designed and used to collect and carry stormwater and surface water, street wash, and other wash and drainage waters to a point source for discharge.

VESSEL PUMPOUT STATION - the planning, design, acquisition, or construction activities in furtherance of a permanent or portable device capable of removing human sewage from a marine holding tank.

WATER QUALITY IMPROVEMENT PROJECT - (i) wastewater treatment improvement projects, (ii) non-point source abatement and control program projects developed pursuant to section 11-b of the Soil and Water Conservation Districts Law, section 1455b of the Federal Coastal Zone Management Act, or Article 42 of the Executive Law, (iii) aquatic habitat restoration projects, (iv) pollution prevention projects, and (v) the operation of the Peconic Bay National Estuary Program, as designated by the United State Environmental Protection Agency. Such projects shall have as their purpose the improvement of existing water quality to meet existing specific water quality standards. Projects which have as a purpose to permit or accommodate new growth shall not be included within this definition.

WASTEWATER TREATMENT IMPROVEMENT PROJECT - the planning, design, construction, acquisition, enlargement, extension, or alteration of a wastewater treatment facility, including alternative systems to a sewage treatment plant or traditional septic system, to treat, neutralize, stabilize, eliminate or partially eliminate sewage or reduce pollutants in treatment facility effluent, including permanent or pilot demonstration wastewater treatment projects, or equipment or furnishings thereof. An incentive or rebate program established by the Town Board for the upgrade of existing septic systems or cesspools shall constitute an eligible project within the definition of a wastewater treatment improvement project. Stormwater collecting systems and vessel pumpout stations shall also be included within the definition of a wastewater improvement project.

§140-32. Community Preservation Fund Project Plan.

- A. Preservation of community character shall include the protection and improvement of the quality of all water resources.
- B. Before any revenues from the Community Preservation Fund may be spent on water quality improvement projects as defined in this Article, all such projects shall first be approved by the Town Board as part of the Community Preservation Fund Project Plan, adopted pursuant to §64-e of Town Law and Article III of Chapter 140 herein.
- C. Said plan shall prioritize each project to be undertaken pursuant to this Article. In setting such priorities, the Town Board shall consider the most prevalent pollutants affecting water quality in the Town and which projects will maximize the removal of such pollutants in the most cost effective manner. The plan shall provide a detailed written elaboration for the cost benefits in setting such priorities on a project by project basis.
- D. Said plan shall list every water quality improvement project which the Town plans to undertake pursuant to the Community Preservation Fund, and shall state how such project will improve existing water quality, and the estimated maximum cost of such project.
- E. The proposed water quality improvement project shall be for the planning, design, or implementation of a capital project with a probable useful life of at least five (5) years, pursuant to the state local finance law.
- F. The proposed water quality improvement project shall be consistent with one or more regional water quality improvement plans.
- G. Such projects shall advance measurable water quality improvement for the Peconic Bay region.
- H. Such projects shall comply with specific existing or proposed state or regional water quality standards or targets.
- I. In the case of aquatic habitat restoration projects, the project shall promote aquatic habitat restoration.
- J. In the case of pollution prevention projects, the project shall reduce, avoid, and/or eliminate the use of toxic or hazardous substances, or the generation of such substances.
- K. Projects which have as their purpose and effect the accommodation of new growth, as

opposed to the remediation of water quality, shall not qualify for funding under this Article.

§140-33. Certification.

- A. No monies from the Community Preservation Fund shall be expended for a water quality improvement project by the Town unless such project has first been certified by the Town Board, by resolution, pursuant to this Article.
- B. In making such certification, the Town Board shall find as follows:
 - 1. The proposed water quality improvement project is for the planning, design, or implementation of a capital project with a probable useful life of at least five (5) years, pursuant to the state local finance law;
 - 2. The proposed water quality improvement project is consistent with one or more regional water quality improvement plans;
 - 3. Such project advances measurable water quality improvement for the Peconic Bay Region;
 - 4. Such project complies with specific existing or proposed state or regional water quality standards or targets;
 - 5. In the case of aquatic habitat restoration projects, the project will promote aquatic habitat restoration; and
 - 6. In the case of pollution prevention projects, the projects will reduce, avoid, and/or eliminate the use of toxic or hazardous substances, or the generation of such substances.
- C. The Town Board shall not certify projects which accommodate new or additional growth.

§140-34. Water Quality Advisory Committee.

- A. A Water Quality Advisory Committee shall be established pursuant to Town Board resolution to review and make recommendations on proposed water quality improvement projects using monies from the Fund.
- B. Such Committee shall consist of (five or seven) members who shall be residents of the Town and who shall serve without compensation. No member of the Town Board shall serve on said Committee, nor shall any member have a direct interest in any project for which funding is sought.
- C. The members shall include individuals with demonstrated expertise in water quality issues, estuarine science, civil engineering, shellfish restoration, or similar relevant credentials.
- D. The responsibilities of such Committee may include, but not be limited to, assisting in the development of the project plan, drafting requests for proposals to implement water quality improvement projects, reviewing and prioritizing proposed projects, and offering such further advice and recommendations as the Town Board may specify and deem necessary.

SECTION 2. Amendment.

Town Code §140-27 is hereby amended by deleting the stricken words and adding the underlined words as follows:

ARTICLE IV

Real Estate Transfer Tax Repeal Date

§140-27. Expiration date extended.

Notwithstanding any other provision of law to the contrary, the real estate transfer tax imposed by Local Laws No. 22 and No. 39 of 1998 shall expire and be deemed to be repealed after December 31, 2050.

SECTION 3. Mandatory Referendum.

This local law is subject to a mandatory referendum pursuant to §23(1) of Municipal Home Rule Law, as provided for by Chapter 551 of the Laws of 2015.

SECTION 4. Ballot Proposition.

Pursuant to Chapter 551 of the Laws of 2015, and §23(1) of Municipal Home Rule Law, the following proposition shall be placed before the electors of the Town of Southampton at the general election to be held on Tuesday, November 8, 2016:

"Shall a Local Law entitled, 'A LOCAL LAW amending Southampton Town Code Chapter 140 (Community Preservation Fund) to (i) extend the effective date of the Community Preservation Fund Real Estate Transfer Tax until December 31, 2050, and (ii) authorize the use of a portion of the Community Preservation Fund, not to exceed 20%, for water quality improvement projects,' BE APPROVED?"

SECTION 5. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §§10(1)(ii)(a)(11) and (12), §10(1)(ii)(d)(3), and Chapter 551 of the Laws of 2015, amending Town Law §64-e.

SECTION 6. Severability.

If any section or subsection, paragraph, clause, phrase, or provision(s) 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 7. Effective Date.

This local law shall take effect upon filing with the Secretary of State and upon approval at the general election to be held on November 8, 2016, by the affirmative vote of the qualified electors of the Town of Southampton upon the proposition set forth in Section 4 of this local law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 15 of 20¹⁶ of the ~~(County)(City)(Town)(Village)~~ of _____ Southampton _____ was duly passed by the _____ on August 23, 20¹⁶, and was (approved)~~(not approved)~~ ~~(repassed after disapproval)~~ by the _____ Supervisor Jay Schneiderman on August 23, 20¹⁶.

Such local law was submitted to the people by reason of a (mandatory)~~(permissive)~~ referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)~~(special)~~ election held on _____ November 8, 20¹⁶, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

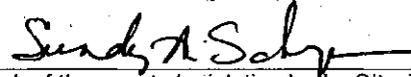
6: (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 3 above.

(Seal)



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Sundry A. Schermeyer, Southampton Town Clerk

Date:

December 19th, 2016



BOARD OF ELECTIONS

COUNTY OF SUFFOLK

PO BOX 700

YAPHANK NY 11980-0700

(631) 852-4500

TTY (631) 852-4540

FAX (631) 852-4590

Commissioners

NICK LALOTA

ANITA S. KATZ

Deputy Commissioners

BETTY MANZELLA

JEANNE C. O'ROURKE

December 15, 2016

Honorable Sundy A. Schermeyer
Town Clerk, Town of Southampton
116 Hampton Rd
Southampton, NY 11968

Dear Ms. Schermeyer:

Pursuant to Section 9-214, of the New York State Election Law, we Nick LaLota and Anita S. Katz, Commissioners of Elections, in and for the Town of Southampton, hereby enclose the name(s) of the respective Town Officer(s), elected in said Town, at the November 8th 2016 General Election, and their place of residence, and the office to which they were elected.

<u>OFFICE</u>	<u>TERM</u>	<u>NAME AND ADDRESS</u>
Town Justice, Town of Southampton	4 Years	Andrea H. Schiavoni 15 W Harbor Dr. North Haven NY 11763

**PROPOSAL ONE, A PROPOSITION
Town of Southampton**

"Shall a Local Law entitled, 'A LOCAL LAW amending Southampton Town Code Chapter 140 (Community Preservation Fund) to (i) extend the effective date of the Community Preservation Fund Real Estate Transfer Tax until December 31, 2050, and (ii) authorize the use of a portion of the Community Preservation Fund, not to exceed 20%, for water quality improvement projects,' BE APPROVED?"

The Whole Number was 28,260.
 The Total Yes Vote was 18,607
 The Total No Vote was 4,605
 The Total Blank Vote was 5,046
 The Total Void Vote was 2

TOWN OF SOUTHAMPTON
TOWN CLERK'S OFFICE

2016 DEC 19 PM 12:11

RECEIVED

Therefore, we do hereby certify that the foregoing to be true and complete copy certified results for said proposition in said Town, at the November 8th, 2016 General Election.