

**PROPOSITION NO.**

For Submission to the Electors of the  
Town of Southold

At the next general election to be held on  
November 8, 2016

"Shall a Local Law entitled, 'A LOCAL LAW amending Southold Town Code Chapter 17 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?"

**ABSTRACT OF PROPOSITION**

The purpose of this local law is to implement the authority delegated by the State to the Town of Southold pursuant to Chapter 551 of the Laws of 2015. Specifically, this local law would 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 would use the prior calendar year's revenue to determine the maximum amount available for water quality improvement project allocations pursuant to the state-mandated limit of up to 20%.

Projects eligible for funding 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.

Importantly, no monies from the fund may be expended for a water quality improvement project unless such project has first been certified by the Town Board via Town Board resolution, and in accordance with the Community Preservation Fund Project Plan, which addresses water quality improvement projects. A draft of this plan is available for public review and inspection in the Town Clerk's Office, or on the Town's website at:  
<<http://www.southoldtownny.gov>.

In connection with these amendments, the Community Preservation Fund real estate transfer tax is proposed to be extended from December 31, 2030, to December 31, 2050.

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.

Financial Impact:

None, see resolution text.



## RESOLUTION 2016-763

ADOPTED

DOC ID: 12186

**THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2016-763 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD TOWN BOARD ON AUGUST 23, 2016:**

**WHEREAS** there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 26<sup>th</sup> day of July, 2016, a Local Law entitled “A Local Law to consider amending Southold Town Code Chapter 17 (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” and

**WHEREAS** the Town Board of the Town of Southold held a public hearing on the aforesaid Local Law at which time all interested persons will be given an opportunity to be heard, NOW therefor be it

RESOLVED that the Town Board of the Town of Southold hereby ENACTS the proposed Local Law entitled, “A LOCAL LAW to consider amending Southold Town Code Chapter 17 (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” reads as follows:

### LOCAL LAW NO. 8 OF 2016

A LOCAL LAW to consider amending Southold Town Code Chapter 17 (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 Southold as follows:

#### **SECTION 1. Amendment.**

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

#### ARTICLE V

#### Water Quality Improvement

#### §17-41. Purpose.

A. The purpose of this Article shall be to implement the authority delegated by the State to the Town of Southold 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 §17-45 herein.

§17-42. 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.

§17-43. 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 primary 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.

§17-44. 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 II of Chapter 17 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.

#### §17-45. 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.

#### §17-46. 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 §17-40 is hereby amended by deleting the stricken words and adding the underlined words as follows:

#### ARTICLE IV

##### Two Percent Real Estate Transfer Tax

#### **§17-40. Effective Date, Referendum Requirement.**

This article is subject to a mandatory referendum as set forth in § 1449-bb of Article 31-D of the Tax Law. This article shall take effect ~~on March 1, 1999~~, after the approval at the general election to be held on November 8, 2016, by the affirmative vote of a majority of the qualified

electors of the Town of Southold and filing with the Secretary of State; and provided further that the real estate transfer tax imposed by ~~this article~~ Local Laws No. 8-2002 of 2002 and No. 14-2006 of 2006 shall expire and be deemed repealed as to any conveyance taking place after December 31, ~~2030~~ 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 Southold at the general election to be held on Tuesday, November 8, 2016:

**“Shall a Local Law entitled, ‘A LOCAL LAW amending Southold Town Code Chapter 17 (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.

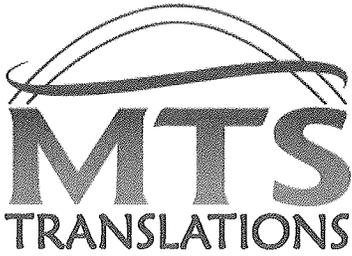
**SECTION 7. Effective Date.**

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 Southold upon the proposition set forth in Section 4 of this local law.



**Elizabeth A. Neville  
Southold Town Clerk**

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

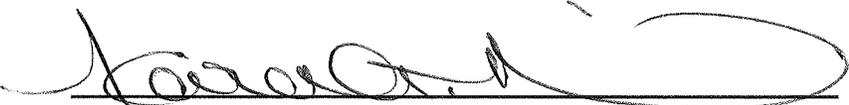


Multinational Translating Service  
P.O. Box 242  
Islip Terrace, NY 11752-0037

**CERTIFICATION**

This is to certify that the information in the attached translated document entitled, "Proposition No.", prepared on behalf of Town of Southold, is true and correct. The document was originally translated from English to Spanish on September 6, 2016 by Ms. Rosario Pérez, Translator ID# 1088. Ms. Pérez is certified to translate English to Spanish, and is a registered translator with Multinational Translating Service.

*Note: This translation is not valid without an MTS embossed seal on all 3 pages.*

Signed:   
Karen A. Miller, Partner  
Multinational Translating Service, NY  
ATA Corporate Member No. 224738

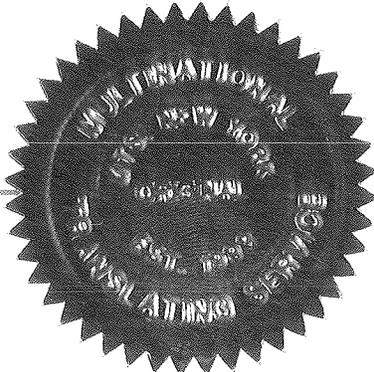
County of Suffolk )  
State of New York)

SS:

Sworn to before me this 11<sup>th</sup> day of October, 2016

Notary Public: 

KEITH F MILLER  
NOTARY PUBLIC STATE OF NEW YORK  
SUFFOLK COUNTY  
LIC. #0111343020  
COM. EXP. 10-09-2019



TRANSLATION FROM ENGLISH TO SPANISH

**PROPUESTA NO.**

Para presentar a los electores de  
la ciudad de Southold

En la próxima elección general que se  
celebrarán el 8 de noviembre de 2016

¿Deberá APROBARSE una ley local intitulada «UNA LEY LOCAL que enmienda el Código Municipal de Southold Capítulo 17 Fondo de Conservación de la Comunidad para (i) prorrogar la fecha efectiva de la Transferencia del Impuesto Inmobiliario del Fondo de Conservación de la Comunidad al 31 de diciembre de 2050, y autorizar el uso de una parte del Fondo de Conservación de la Comunidad que no exceda del 20%, para proyectos de mejora de la calidad del agua?

**RESUMEN DE LA PROPUESTA**

El propósito de esta ley local es poner en marcha la autorización delegada por el Estado a la Ciudad de Southold de conformidad con el Capítulo 551 de las leyes de 2015. Específicamente, esta ley local permitiría al pueblo usar hasta el 20% de los ingresos anuales del Fondo de Conservación de la Comunidad para emprender proyectos de mejoramiento de la calidad del agua, como se define aquí, para conservar el carácter de la comunidad mejorando la calidad del agua. La Ciudad usaría el ingreso del año calendario previo para determinar la cantidad máxima disponible para asignaciones al proyecto de mejoramiento de la calidad del agua, de conformidad con el límite del 20% exigido por el estado.

Los proyectos elegibles para ser financiados incluyen: (1) proyectos de mejoramiento tratamiento de aguas residuales, (2) proyectos del programa de reducción y control de la contaminación proveniente de fuentes no puntuales desarrollados de conformidad con la sección 11-b de la Ley de Distritos de Conservación de Suelo y Agua, sección 1455b de la Ley Federal de Administración de Zonas Costeras, o el Artículo 42 de la Ley Ejecutiva, (3) proyectos de restauración del hábitat acuático, (4) proyectos de prevención de la contaminación, y (5) la gestión del Programa Nacional de Estuarios de la Bahía de Peconic, según lo designado por la Agencia de Protección Ambiental de los Estados Unidos.

Es importante destacar, que ningún dinero del fondo puede gastarse para un proyecto de mejoramiento de la calidad del agua a menos que dicho proyecto haya sido primero certificado por la Junta Municipal mediante una resolución de Junta Municipal, y conforme con el Plan del Proyecto del Fondo de Conservación de la Comunidad, que considera proyectos de mejoramiento de la calidad del agua. Una versión preliminar de este plan está disponible para su inspección y revisión pública en la Oficina del Secretario Municipal, o en sitio web municipal en:

<http://www.southoldtownny.gov>.

Con relación a estas enmiendas, se propone prorrogar la Transferencia del Impuesto Inmobiliario del Fondo de Conservación de la Comunidad de diciembre 31 de 2030, a diciembre 31 de 2050.

Esta ley local está sujeta a un referéndum obligatorio de conformidad con al §23(1) de la Ley de Gobierno Autónomo, como lo dispone el Capítulo 551 de las leyes de 2015.

Impacto financiero:

Ninguno, vea el texto de la resolución.