

## October 6, 2020 Work Session Agenda

### OPEN SESSION

- IV-1 9:00 Peter Meeker, Conservation Advisory Council (in-person) re: Climate Smart Communities Update
- IV-2 9:15 Jessica Levenberg, Senior Account Executive (via ZOOM) re: Lexipol Presentation
- IV-3 Supervisor Russell re: Public Access-Board's Responses (postponed from 9/22)
- IV-4 Supervisor Russell re: Chapter 55- Notice of Public Hearings (postponed from 9/22)
- IV-5 Supervisor Russell re: Southold Town Community Joint Justice Review and Reform Task Force Update
- IV-6 Town Clerk Elizabeth Neville re: Request for a Refund of a Rental Permit Fee

### EXECUTIVE SESSION

- IV-7 Proposed Acquisition(s), Sale or Lease of Real Property Where Publicity Would Substantially Affect the Value Thereof  
10:30 Melissa Spiro, Lisa Kombrink, Esq., and Sam McCullough  
11:00 Melissa Spiro, Land Preservation Coordinator
- IV-8 Labor- Matters Involving the Employment of a Particular Person(s):  
-Department Head Personnel Budget Review Discussions with Kristie Hansen-Hightower and Michelle Nickonovitz  
11:45 Elizabeth Neville, Town Clerk  
12:00 Tim Abrams, Department of Public Works  
12:15 Don Wilcenski and Heather Lanza, Planning Department  
12:30 Vincent Orlando, Highway Department  
12:45 Leslie Weisman, Zoning Board of Appeals  
1:00 Chief Flatley, Police Department  
1:15 John Sepenoski, GIS  
1:30 Kelly Fogarty, Tax Receiver
- IV-9 Labor- Matters Involving the Employment of a Particular Person(s)  
-Councilman Ghosio re: Economic Development Committee Secretary



IV-1  
10-6-20

Town Board Update September 2020

**Climate Smart Communities Program Outline**

**1. CSC "Getting Started Framework"**

**Steps 1 -5**

**2. Pledge Elements**

**3. Welcome Outside Green Groups: Civics groups, Other Towns CACs, Peconic Estuary Partnership. NYS DEC requires municipalities to "inform and inspire the community"**

**4. Continued Updates. Continued support: cooperation and assistance. Bronze PIF**

**Silver Resources**

**5. Keeping up with Climate Change Developments. The Town is responsible in doing its part ,through this program ,in mitigating the adverse effects of climate change. The effort needs to continue and expand. We have very little time to effect major change.**



Climate Smart Communities

**Monthly Update & Dept. Visit Notes**

2-8-20	Peconic Comm. Cntr	DrawDown/Solid Waste	Residential Organic Waste Pilot Intro to pilot, intro to Peter Triebar, farmer Received bucket & instructions
2-12-20	Cutchogue Library	Mark Haubner	DEC Webinar on Organic Waste Pilot is on track. About 2 million lbs. per Yr from waste stream estimated
2-20-20	HR, Mattituck	Karen McLaughlin	Went over questionnaire. Informed me of HR programs. Left 2 PEs for documenta- tion. Spoke about EM Responders Committee.
2-20-20	DPW, Town Hall	Jeff Standish	Left 2 PEs for documentation.
2-26-20	"	"	Jeff told me that the DPW has no room for resource recovery inventory, and the docs for LED St. Lighting are with Bldg Dept.
2-26-20	Town Hall	Sarah Nappa	Overview of CSC Program since she missed the dept heads meeting. Gave Her PE1 for Board review & adoption. Spoke about budget for CSC PEs. She reiterated what Jim Dinizio said, " money can be moved if necessary."
2-28-20	Town Hall	Lauren Standish	Picked up 11/25 questionnaires. Karen McLaughlin and Chief Flatley get A+ for



Their effort on the questionnaire. Both were on time and answered the questions in earnest. I have reviewed the questionnaires & will make them available to the Task Force.

3-5-20 Town Hall

Lloyd Reisenberg

Went over questionnaire. Lloyd informed me that he answered as IT employee, not as EM Responder volunteer. Left 1 PE: Social Media. He informed me that he has a facebook page ready to go, just waiting for attorney approval & Board adoption.

**Points Count To Date**

Town Board	PE1 establish task force	20pts.
	PE1 appoint coordinator	10pts
	PE1 nat'l/regional climate program	3pts
HR	PE3 fleet efficiency policy	2-3pts
	PE6 adopt & enforce anti-idling ordinance	1-3pts
	PE6 alternative fuel infrastructure	priority 4-18pts
	PE7 heat emergency plan	6pts
Solid Waste	PE5 gov't solid waste audit	2pts
	PE5 residential organic waste	2-22pts
	PE5 recycling bins in gov't bldgs	3pts
DPW	PE3 gov't bldg energy audit	8-16pts
	PE4 solar energy installation	9-20pts



Building Dept.	PE3 energy code enforcement training	5pts
	PE3 LED st lights	5-10pts
IT	PE9 social media	3pts
Peter Young	PE5 resource recovery center	6pts
Jim Abbott	PE6 safe routes to school	3pts
John Stein	PE7 climate vulnerability assessment	4-16pts

**Points:** min= 96  
max= 138



BOARD MEMBERS  
Leslie Kanes Weisman, Chairperson

Eric L. Dantes  
Gerard P. Goehringer  
George Horning  
Ken Schneider



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(Postponed) IV-7  
on 9-22-20 22-20  
IV-3  
10-6-20

## ZONING BOARD OF APPEALS

### MEMORANDUM

**TO:** Supervisor Russell  
**FROM:** Leslie Kanes Weisman, ZBA Chairperson/Department Head  
**DATE:** September 14, 2020  
**RE:** Resuming Public Hearings in the Meeting Hall for the ZBA

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#### Background

Government shutdown due to the COVID pandemic took place soon after the ZBA's March 5, 2020 Regular Meeting with public hearings in the Meeting Hall. Our next meeting, open to the public, was held via the Zoom Webinar platform on June 25, 2020 where the Board deliberated on decisions for applications that had been heard in March. During these past months, the Board and staff have worked diligently with VHB, the Town's digital meetings consultants, to become proficient in using the Zoom Webinar platform, including numerous practice-runs and training sessions. Zoom has enabled us to safely and legally conduct open meetings with applicants and the public, and, with additional time and effort invested by the Board members and staff, we have been able to catch up with a very large backlog of many months of applications that had been scheduled for hearings but had to be put on hold due to COVID.

To date the ZBA has successfully held three Regular Meetings with hearings via Zoom (July 9, August 6, and September 3, 2020) and the next is scheduled for October 1, 2020. As a requirement for these meetings, staff scanned all applications under review to Lasher Fiche and learned how to create files and do screen sharing during hearings, so that everyone attending could clearly and easily view the surveys and architectural plans being discussed, an advantage to the public that had not previously been possible. All of this hard work and experience has been fruitful and we are now able to confidently and independently conduct our monthly Regular Meetings (hearings) and Special Meetings (deliberations on decisions without public testimony) via Zoom without consultants. Participation in public hearings by applicants, their agents, and interested attendees using Zoom has been excellent and attendance at these meetings has frequently exceeded the number of attendees that traditionally appeared before the Board during public hearings in the Meeting Hall and at Special Meetings in the Annex Board Room,

pre-COVID. Perhaps this is so because it is very convenient and all that is minimally required to join and participate in these Zoom meetings is a regular landline phone which is readily available to everyone.

In summary, the current method for conducting Special Meetings with no permitted public testimony is working very well, and the Board proposes to continue using Zoom for the foreseeable future until it is totally safe to resume Special Meetings in the Annex Board Room without the need for masks and social distancing, and with the public permitted to sit in if they choose to do so. With regard to Regular Meetings (public hearings), we are now scheduling Zoom hearings for new applications with a very reasonable wait time, until such time as we are safely able to resume meeting with the public for hearings in the Meeting Hall (see below).

#### Future ZBA Public Hearings in the Meeting Hall with Public Attendance

During a work session of the Board of Appeals on September 3, 2020 I presented the information and ideas provided by the Supervisor at a Department Head Meeting held in the Meeting Hall on August 31, 2020. During that discussion the Board members identified the following **health-related issues to consider in setting a target date for holding hearings in the Meeting Hall:**

1. Future COVID cases and the upcoming flu season  
Predictions indicated an uptick in COVID in the Fall with children and college students resuming in person classes. Recently we have seen this occurring in Southold Town, Riverhead and among certain colleges in New York State. In addition, the start of the flu season will play a role in public health. The Board members unanimously believe that it is in the best interests of our community and our own safety to monitor public health over the next few months before we resume meetings in person.
2. The availability of a properly tested, safe, and effective COVID vaccine  
Once a proven vaccine is widely available in Southold Town, we should all be safer in public settings.
3. Safe indoor air quality  
COVID is an airborne disease and the Meeting Hall HVAC system needs to be evaluated and updated to improve the current very poor indoor air quality in that space.

#### **Public Attendance at Hearings by Registration**

##### Scheduling Hearings on Typical ZBA Applications

The time required to take testimony on different applications before the ZBA varies dramatically. Moreover, we cannot begin a public hearing legally until the start time posted on the agenda. In order to avoid unproductive time between hearings, we generally schedule hearing times closely. This could work successfully for most hearings, (typically residential variance relief) with people waiting in their cars and being informed by a security person when the hearing they registered for is about to be opened. All persons interested in attending a hearing would register by phone in advance and be required to provide in writing their complete contact information should COVID contact

tracing be needed. Most hearings involve attendance that is significantly below the socially distanced maximum seating capacity in the Meeting Hall so it is very unlikely that an adjournment would be required for additional public testimony by those who could not register due to limited seating capacity. Of course, written comments can always be sent in prior to a hearing and even during a hearing. If needed, a hearing can be left open for additional written comments by the public. Sanitation in between each hearing, including chairs, podium, surfaces likely to be touched by attendees, and public restrooms, will increase the time required to hear all the applications on the agenda, but is of utmost important for health and safety. Additional time will be needed for people entering the Meeting Hall and checking in with a security person for registration confirmation, a temperature check and answering COVID screening questions. Security personnel will also be needed in the Meeting Hall to ensure that all present are properly wearing a mask/face covering, to remove anyone not in full compliance, and to facilitate a safe exit from the Meeting Hall by attendees when their hearing is over. The ZBA will have to plan carefully to avoid creating another backlog of applications building up and once again creating lengthy wait times for an application to be heard.

#### Commercial Applications with Wider Public Impacts

Currently there is only one application for a project of this type before the Board (The Enclaves Restaurant and Hotel in Southold). This project has already been heard twice and has received extensive public comment in person at the hearings and in writing. The applicant's Final Environmental Impact Statement was just received and sent to the ZBA's consultant for review and recommendations before the Board adopts a SEQRA determination. Then another hearing will be scheduled for the applicant's Special Exception Permit application. We do not anticipate this happening for some time and the Board can hold a separate public hearing with registered attendees in the Meeting Hall just for this application in order to avoid time conflicts with hearings for less complex applications, and to obtain full public participation. (We have already done this for this application by holding a hearing at 5:00PM). Any other applications of this sort we receive in the future can be scheduled for a time when safety protocols and procedures to meet with the public in the Meeting Hall are in place, and can also be scheduled for its own separate hearing time. We should also consider using the Town's Recreation Center space for hearings with potentially larger community impacts and interest.

#### Conclusion

The Board is looking forward to resuming "normal" operations, but only when it is safe to do so for ourselves, our families and our community. We are currently operating successfully via Zoom and continue to provide applicants and the public at large with all of the services we provided pre-COVID. The Board Members unanimously agree that at this time, there is no additional public benefit to be gained by resuming public hearings in the Meeting Hall and that doing so prematurely would create an unnecessary risk to our own health and well-being. We collectively recommend evaluating the health issues listed above in December of 2020 with a possible January 2021 tentative date to resume in-person Regular Meetings in the Meeting Hall, on a limited basis.

**OFFICE LOCATION:**  
Town Hall Annex  
54375 State Route 25  
(cor. Main Rd. & Youngs Ave.)  
Southold, NY



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**PLANNING BOARD OFFICE**  
**TOWN OF SOUTHOLD**

**MEMORANDUM**

To: Scott Russell, Supervisor

From: Donald J. Wilcenski, Chairman *DW*  
Members of Planning Board *CRW*

Date: September 17, 2020

Re: Resuming In-Person Meetings

As you are aware, workplace safety and the health of all Town employees are a large concern during the COVID-19 pandemic, and the Planning Board and staff would like to thank you and the Town Board for the concessions made and protocols that were developed and enacted.

The transition to the Zoom platform has been a seamless integration of office operations achieving a good comfort level for the applicants, public, Planning Board and staff. Since re-opening in May, the Planning Board has held five public meetings and six work sessions, including four public hearings, with all Board members and staff at their individual work stations. Planning staff have been trained to run the Zoom meetings and have been doing so independent of the consultant for all but the first two meetings.

With infections rates on the rise again in Europe, and still high in many places in the U.S as we enter flu season, the Planning Board is concerned about increasing interpersonal contact. In considering what it will take to resume in-person Planning Board meetings, we offer the following information and list of questions and concerns:

The Planning Board conducts two types of meetings:

1. Public Meetings - public hearings held, and formal decisions made on applications.
2. Work Sessions - involve presentations of staff reports by Planning Staff and discussions with applicants about their applications.

## 1. Public Meetings

- One per month
- Length: 10 minutes to three hours or more (depending on attendance at public hearings)
- Average number of public hearings per meeting (date from 2019): 2
- Town Employees Attending:
  - (5) Five Board members
  - ( 1 – 4) One to four staff members
    - Secretary to record mtg
    - Planning staff when their project is on the agenda
  - (1) Town Attorney

**If we are to resume Public Meetings in person, here are our concerns and questions:**

### Timing

1. We recommend evaluating the effects of the return to school and the flu season before beginning in-person public meetings.

### Room Conditions & Health Concerns

1. What is the total number of people, including Town employees, allowed in the Meeting Hall during public meetings?
2. Will eating and drinking be allowed in the Meeting Hall?
3. How much ventilation with outdoor will happen during meetings?
4. Are there HEPA air filters on the air and hearing systems?
5. What protocols will be put in place for mask use and social distancing?
6. Will proper mask use be required?
  - a. e.g. cover nose and mouth, wear it all times even while speaking.

### Managing Public Attendance

1. Who will send out the health questionnaires for public attendees?
2. Who will collect the health questionnaires for public attendees?
3. Will they be collected at Town Hall as people come in?
4. When will the health questionnaires be filled out? The day of the meeting?
5. Who will do the temperature screening of the public attendees?
6. How will public attending in person know it is time to come in?
7. Where will they wait?
8. Will there be someone to make sure they don't congregate and crowd together outside the door or in the lobby while waiting?
9. What to do in bad weather?
10. Who will communicate with them and how?
11. Who will monitor that they signed up for the hearing?
  - a. Will there be a list at the door?
  - b. Will they get a "ticket" to enter with the hearing name, date and time?

12. Will there be a way to display maps and plans for public hearings for public attending in person to view in detail?
  - a. Pre-pandemic they were set up on easels in the lobby.
13. Who will ensure everyone from the first hearing leaves?
14. What and how will the area be sanitized between hearings?
15. How will the next group of attendees from the public be notified?
16. Will the Boards have the authority to ask people to leave if they don't follow protocols?
17. Does the podium need to be sanitized between speakers?
18. Is the public allowed to use the bathroom? If so, will the "one person at a time rule" be followed?

### **Technical Concerns**

1. What is the sound like for the Board in the meeting hall when listening to testimony via Zoom?
2. What is the sound like for the public on Zoom when listening to live testimony in the Meeting Hall?
  - a. Can all who speak be heard by those on Zoom?
3. Will the public attending via Zoom be able to see the faces of the Board members?
4. Will the public attending via Zoom be able to tell who is speaking?
  - a. Should everyone including Board members identify themselves before they speak?
5. Would it make sense to make it standard that all public hearings by all Boards held during the pandemic are held open for written comment for at least two weeks?
6. Is it possible to have access to multiple laptops during the meetings?
  - a. Plan details and presentations can be difficult to see on the projector screen.
  - b. Is the participant list visible and legible on projector screen?
7. Will it be acceptable for staff to attend via Zoom?
  - a. Staff's roles during Public Meetings:
    - i. Secretary to take notes and run Zoom.
    - ii. Planners to show maps and aerials using projector during hearings as needed.

### **Next Steps for In-person Public Meetings:**

- When to begin

We recommend evaluating how the return to school and the colder months and flu season affect the infection rate in December or January with the plan to begin in-person meetings in early 2021.

- Test Run

If it is decided that we will have in-person Public Meetings, we would appreciate the opportunity to run a test public meeting with staff to make sure the setup works for us.

## 2. Work Sessions

- Two per month
- Length: 1 – 4 hours
- Number of applications reviewed per work session: 5 - 12
- Attending:
  - (5) Five Board members
  - ( 1 – 4) One to four staff members
    - Planning staff – presentations to Planning Board
  - (1) Town Attorney

We propose two ways to move forward with Work Sessions during the Covid-19 pandemic:

### a. Work Session All on Zoom - Preferred Option:

- Efficient use of time for everyone
- Very safe for all
- Safe for immune-compromised people
- Applicants have all been able to participate
- Public has been able to observe and listen
- Public and applicants can always tell who is speaking
- Public able to see all the materials presented & discussed
- We have received no requests from applicants or public to have in-person work session.
- Very efficient and clear staff presentations and discussions of plans using screen-sharing.
- Planning Board feels these work very well via Zoom, and plans to continue work sessions this way until it is safe to resume in person meetings without masks and social distancing.

### b. Work Session Held in Meeting Hall & on Zoom

- \* All or most of Board in person in Meeting Hall
- \* Staff in their offices on Zoom
- \* Applicants either in Meeting Hall or on Zoom - their choice, max 2 per application
- \* Public on Zoom
- \* Total # people proposed in Meeting Hall at any one time: 7

- Increased risk to health compared to Option a. due to being in the same room with others for extended time.
- Public able to see all materials presented and discussed using the shared screen function in Zoom.
- Public will have a difficult time being able to tell who is speaking among those in person in the Meeting Hall.
- Public will only see the back of some people in Meeting Hall.
- Board will have a more difficult time seeing materials presented
  - Presentations made via Share-screen would be on the projector screen for the Board.
  - Board will have difficult time seeing the details of plans being presented.
  - Board members may not have a good view of projector screen due to social distancing.
  - Many site plan details are too small to be seen on the projector screen
    - Provide laptops to Board members so they can view plans up close as well as see lists of participants and attendees on their screen.
    - Improve the location of the screen and the quality of the projector.
- Will require Town employee to monitor the hallway to escort in applicants that choose to come in person, and screen them, and disinfect after they leave.

The Planning Board and staff would like you and the Town Board to consider allowing the department to continue to serve the public for the time being via the Zoom platform as described above. The Planning Board would like to propose that the meeting operations of the department be re-assessed in January 2021.

To ensure that no public is left out from contacting, interacting, or being heard by the Planning Board and staff, we propose to develop a tracking system that would report to your office, and vice versa, any applicants, speakers or others that express frustration or have complaints about lack of adequate access to the Planning Board or staff.

## Standish, Lauren

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**From:** Goldsmith, Glenn  
**Sent:** Tuesday, September 08, 2020 9:49 AM  
**To:** Russell, Scott  
**Cc:** Cantrell, Elizabeth  
**Subject:** Questions for In-Person Meetings

Scott,

Here is the list of the Trustee's concerns regarding in-person meetings:

1. Public notice - we need to allow for more time for public notice under Chapter 55. Under the current window, neighbors may only receive the mailed notice the day before, or the day of a public hearing. If we're going to limit the number of people who can attend a public hearing on a first come, first served basis, then we need to give the public more time to notify us if they intend on participating in that hearing.
2. Do we need to sterilize in between each hearing? Usually the public just attends the entirety of the meeting from the beginning, then leave once the hearing for the application they are concerned with concludes. We don't necessarily get a lot of late entrants for a particular application, so I don't know if cleaning between hearings will be necessary.
3. Can we just use the one camera that's already in the Meeting Room for the live Zoom feed?
4. Do all the Trustee's need to be facing that one camera? Should we position ourselves in a "U-shape" so that no one's back is to the camera?
5. Can we use Diane to take people's temperatures before entering the Meeting Hall?
6. How many people will be able to attend in-person?
7. Will there be any physical barriers, or something similar to keep the public in designated areas?

Those are our initial concerns/questions. Please let me know if you have any questions, or would like further discussion.

Thanks!  
Glenn



IV-8  
~~9-22-20~~  
(Postponed on  
9/22/20)

Town of Southold, NY  
Friday, September 4, 2020

IV-4  
10-6-20

# Chapter 55. Public Hearings, Notice of

## § 55-1. Providing notice of public hearings.

[Amended 6-3-2003 by L.L. No. 12-2003]

Whenever the Code calls for a public hearing this section shall apply. Upon determining that an application or petition is complete, the board or commission reviewing the same shall fix a time and place for a public hearing thereon. Notice relating to a public hearing on an application or petition shall be provided as follows:

- A. Town responsibility for publication of notice. The reviewing board or commission shall cause a notice giving the time, date, place and nature of the hearing to be published in the official newspaper within the period prescribed by law.
- B. Applicant or petitioner responsibility for posting and mailing notice. An application or petition, initiated, proposed or requested by an applicant or petitioner, other than a Town board or commission, shall also be subject to additional notice requirements set forth below:
  - (1) The applicant or petitioner is required to erect the sign provided by the Town, which shall be prominently displayed on the premises facing each public or private street which the property involved in the application or petition abuts, giving notice of the application or petition, the nature of the approval sought thereby and the time and place of the public hearing thereon. The sign shall be set back not more than 10 feet from the property line. The sign shall be displayed for a period of not less than seven days immediately preceding the date of the public hearing. The applicant, petitioner or his/her agent shall file an affidavit that s/he has complied with this provision prior to commencement of the public hearing.
  - (2) The applicant or petitioner is required to send notice to the owners of record of every property which abuts and every property which is across from any public or private street from the property included in the application or petition. Such notice shall be made by certified mail, return receipt requested, posted at least seven days prior to the date of the initial public hearing on the application or petition and addressed to the owners at the addresses listed for them on the local assessment roll. The notice shall include description of the street location and area of the subject property, nature of relief or approval involved, and date, time and place of hearing. The applicant, petitioner or agent shall file an affidavit that s/he has complied with this provision prior to commencement of the public hearing.

