

**Southampton Town Board**

116 Hampton Road  
Southampton, NY 11968



**Sundy A. Schermeyer Town Clerk**

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August 16, 2013

Dear Mr. Roger Tollefsen:

Please be advised that the Town Board, at a meeting held on August 13, 2013 1:00 PM, reviewed the following resolution(s):

**Town Board Resolution 2013-808**

**Adopted [Unanimous]**

*Resolution of Adoption Amending Town Code §111-1 and Creating §111-2A to Create New Standards for Protecting Town-Owned Historical Burial Grounds and Abandoned Cemeteries*

CC: Kyle Collins  
Kristen Doulos  
Jonathan Erwin  
Chris Bean  
Zachary Studenroth, Town Historian  
Sally Spanburgh, Landmarks & Historic Districts Board  
Alexandra Sullivan  
Janice Wilson  
Christopher Nuzzi, Councilman  
Cindy Guerriero  
Anna Throne-Holst, Supervisor  
Janice Scherer, Principal Planner  
James Malone, Councilman  
Bridget Fleming, Councilwoman  
Christine Preston Scalera, Councilwoman  
Janice Scherer  
Elizabeth Vail, Assistant  
Robert Pearce  
Gary Cobb  
Nancy Mullan  
Susan Clark  
Eugene Carlson  
Janice Jay Young  
Thomas Ackerson  
Edward Wesnofske, Landmarks & Historic Districts Board  
David Wilcox  
David Betts, Town Investigator  
Joseph Zaykowski  
Tarrant, Burial Ground Comm  
Mendenhall, Burial Ground Comm  
Marlene Haresign  
John Griffin, Burial Ground Comm  
Donald Bambrick

Sincerely Yours,

Sundy A. Schermeyer  
Town Clerk



**TOWN BOARD RESOLUTION 2013-808**

Item # 6.50

ADOPTED

DOC ID: 18401

**Resolution of Adoption Amending Town Code §111-1 and Creating §111-2A to Create New Standards for Protecting Town-Owned Historical Burial Grounds and Abandoned Cemeteries**

WHEREAS, the Town Board is considering amending Town Code §111-1 and creating §111-2a to create new standards for protecting Town owned historic burial grounds and abandoned cemeteries; and

WHEREAS, public hearings were held by the Town Board of the Town of Southampton on August 13, 2013, at which time all persons either for or against said amendment were heard; and

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

RESOLVED, that Local Law No. 13 of 2013 is hereby adopted as follows:

**LOCAL LAW NO. 13 OF 2013**

A LOCAL LAW amending Town Code §111-1 and creating §111-2a to create new standards for protecting Town owned historic burial grounds and abandoned cemeteries.

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

**Section 1. Legislative Intent.**

The Town Board believes that the protection, enhancement and perpetuation of historic cemeteries are necessary to promote the economic, cultural, educational and general welfare of the Town. In furtherance of this belief, the Town Board seeks to enact legislation to ensure that historic cemeteries are adequately protected.

**Section 2. Amendment.**

Town Code §111-1 is hereby amended by inserting underlined words and deleting words with a strikethrough as follows:

Chapter 111. BEACHES, PARKS AND WATERWAYS.

Article I. Beaches, Parks and Recreation Centers.

**§111-1. Definitions.**

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

**ACCESS ROAD, TOWN**

A Town-owned public right-of-way that is open for passage of vehicles, people and animals to a beach, park or recreational area.

**ACCESS ROAD, TRUSTEE**

A Town Trustee-owned open right-of-way for passage of vehicles, people and animals to a beach, park or recreational area.

**BAY BEACH AREA**

As defined in Article **VII**, §**111-31**.

**BEACH RECREATION FACILITY**

Active public parkland, including any building and accessory structure located thereon, within the bounds of the Bay Beach Area and the Ocean Beach Area that is owned by the Town of Southampton and specifically designated for use by Town residents and visitors for recreational purposes and managed by the Town Department of Parks and Recreation.

**BRIDLE TRAIL**

As defined in §**150-4**.

**COMMERCIAL ENTERPRISE SERVICE PERMIT**

A permit issued by the Superintendent of the Department of Parks and Recreation to an individual, commercial entity or not-for-profit organization for use of a public facility for the purpose of providing services or lessons or offering equipment or merchandise for sale or rental, not directly related to Town programming provided through the Department of Parks and Recreation.

**CONCESSION**

A refreshment, item or activity which is offered for sale or rent at a public facility, subject to bidding requirements.

**CONCESSION AGREEMENT**

An agreement between the Town and a vendor for the sale or rent of concessions consistent, in the opinion of the Town, with the use of the public facility and, except as otherwise provided by the Town Board, the provisions of Chapter **254**, Peddling and Soliciting.

**DOG WALKING TRAIL**

As defined in §**150-4**.

**DUNE AREA**

A naturally occurring accumulation of sand in wind-formed ridges or mounds landward of the Bay Beach Area or Ocean Beach Area, often characterized by the natural growth of beach grass (*ammophila breviligulata*). Included in this definition are deposits of fill placed for the purpose of dune construction.

**FACILITY USE PERMIT**

A permit issued by the Superintendent of the Department of Parks and Recreation authorizing use of a beach recreation facility, park recreation facility, park, trail, facility or real property acquired in fee title by the Community Preservation Fund, recreation center or parking areas of an access road (both Town and Trustee) designated as a "parking-by-permit-only area" pursuant to Chapter **312**, Vehicles

and Traffic, or a permit issued by the Director of Human Services authorizing use of the Hampton Bays, David W. Crohan, Bridgehampton or Westhampton Community Centers, or a permit issued by the Town Management Services Administrator authorizing use of any other Town community centers and other Town-owned buildings. **[Amended 5-26-2009 by L.L. No. 23-2009; 3-23-2010 by L.L. No. 9-2010]**

**LEASE**

As defined in §31-2.

**LICENSING AGREEMENT**

As defined in §31-2.

**MANAGEMENT AGREEMENT**

As defined in §31-2.

**OCEAN BEACH AREA**

As defined in Article VII, §111-31.

**PARK**

As defined in §330-5, active and passive public land designated for park purposes by the Town of Southampton.

**PARKING-BY-PERMIT-ONLY AREA**

Parking areas of a beach recreation facility, park recreation facility, a recreation center designated pursuant to §111-2 and posted pursuant to §111-4A or an access road (both Town and Trustee) regulated pursuant to Chapter 312, Vehicles and Traffic, where parking is restricted to vehicles displaying a resident or nonresident parking permit.

**PARK RECREATION FACILITY**

Public parkland, including any buildings and accessory structures located thereon, outside of the bounds of the Bay Beach Area and Ocean Beach Area, that is owned by the Town of Southampton and specifically designated for use by Town residents and visitors for recreational purposes and managed by the Town Department of Parks and Recreation. For purposes of this chapter, the following shall be considered a park recreation facility:

A. The Shinnecock Commercial Fishing Dock, although owned by Suffolk County and not open to general use by residents and visitors for recreational purposes, the site is subject to a Operations and management agreement between Suffolk County and the Town of Southampton administered by the Department of Parks and Recreation.

~~B. Town-owned historic burial grounds and abandoned cemeteries, pursuant to §291 of Town Law.~~

C. (Reserved)

**PARKS AND RECREATION ADVISORY COMMITTEE**

As defined in Chapter 60.

**PARKS SUPERINTENDENT**

The Superintendent of the Department of Parks and Recreation or his or her

designee.

**PERSON**

Includes an individual, any combination of individuals or a corporation.

**PUBLIC - PRIVATE PARTNERSHIPS**

As defined in §31-2.

**RECREATION CENTER**

An assemblage of land, buildings, improvements and equipment for the use of Town residents and visitors for recreational purposes, which may be part of a park or park recreation facility.

**RECREATIONAL AREA**

As defined in §31-2.

**RECREATIONAL FACILITY**

As defined in §31-2.

**RECREATION SERVICE PROVIDER AGREEMENT**

An agreement between the Town and an entity to provide professional recreation services, such as golf and baseball instruction, umpiring and similar services, to the public, none of which shall be subject to Town bidding requirements.

**SPECIAL MANAGEMENT CONCERN AREA**

An area where signage is posted to inform the public about certain environmental conditions such as the likely presence of endangered species and any supplemental rules and regulations in effect.

**TOWN BOARD**

The Town Board of the Town of Southampton.

**TOWN OWNED HISTORIC BURIAL GROUNDS**

All Town owned historic cemeteries, burial grounds and abandoned cemeteries.

**TOWN TRUSTEES**

The Board of Trustees for the Freeholders and Commonalty of the Town of Southampton.

**TRAIL**

As defined in §295-2.

**Section 3. Amendment.**

Town Code Section 111-2a is hereby created by inserting all underlined words as follows:

**§111-2a. Town owned historic burial grounds and abandoned cemeteries.**

**Prohibited Acts: The following shall be prohibited on Town owned historic burial grounds and abandoned cemeteries:**

1. Defacement; damage; graffiti. No person shall deface, destroy, or damage in any manner nor place graffiti on any structure, roadway, sign, building or

gravestone located on a Town owned historic burial ground and abandoned cemetery.

2. Glass objects, litter, refuse and injurious substances. No person shall throw, break, or deposit a glass object, litter or refuse, including household waste, or any injurious substance of any nature on any Town owned historic burial ground and abandoned cemetery or upon any parking area, roadway or pathway thereof.
3. Animals. Dogs or other domestic animals shall not be allowed on Town owned historic burial grounds and abandoned cemeteries.
4. Prohibited recreational use: No person shall use Town owned historic burial grounds and abandoned cemeteries for recreational uses including but not limited to games such as, football, soccer, baseball, kickball, frisbee and softball; Halloween walks, gravestone rubbing; or any other recreational use that may injure or damage historic grave sites and/or stones.
5. Hours. No person shall enter Town owned historic burial grounds or abandoned cemeteries for any purpose between the hours of 8:00 p.m. and 6:00 a.m.

#### **Section 4. Authority.**

This local law is enacted pursuant to Town Law §291 and Municipal Home Rule Law §10(1)(ii)(a)(11).

#### **Section 5. Severability.**

If any section or subdivision, 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 provision so adjudged to be invalid or unconstitutional.

#### **SECTION 6. Effective Date.**

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

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

#### **NOTICE OF ADOPTION**

TAKE NOTICE that, after a public hearing was held by the Town Board of the Town of Southampton on August 13, 2013 the Town Board, at its meeting of August 13, 2013, adopted LOCAL LAW NO. 13 OF 2013, as follows: "A LOCAL LAW amending Town Code §111-1 and creating §111-2a to create new standards for protecting Town owned historic burial grounds and abandoned cemeteries."

Copies of the proposed law, sponsored by Councilwoman Bridget Fleming, are on file in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

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

Financial Impact:  
None

**RESULT:**     **ADOPTED [UNANIMOUS]**  
**MOVER:**     Bridget Fleming, Councilwoman  
**SECONDER:** Christine Preston Scalera, Councilwoman  
**AYES:** Throne-Holst, Malone, Scalera, Fleming, Nuzzi