BOARD OF ELECTIONS
COUNTY OF SUFFOLK
P.O. BOX 700
YAPHANK, NEW YORK 11980-0700
TEL. 852-4500

GERALD EDELSTEIN
DEMOCRATIC COMMISSIONER

BARBARA P. BARCI
REPUBLICAN COMMISSIONER

November 11, 1999

Honorable Marietta M Seaman
Town Clerk, Town of Southampton
Southampton Town Hall
116 Hampton Rd
Southampton NY 11968

Dear Mrs Seaman:

We, Barbara P. Barci and Gerald Edelstein, Commissioners of Elections in and for the County of Suffolk, pursuant to instructions received from your office, have directed to be placed on the ballot, at the November 2nd , 1999 General Election, the following proposition:

REC'D BY SECY
12 JAN 00 3:35

Final Results For

General Election held on Tuesday, November 2, 1999

SHamp - (Millstone)PROPOSAL SIX, A PROPOSITION

	Answer	Votes	Share
☺	Yes	8,335	76.17%
☹	No	2,607	23.83%
	Voids	1	
	Blanks	2,899	
	Whole Number	**13,842**	

41 Out of **41** Election Districts have called in ➔ **100.00% Reporting**
10,942 Out of **32,762** Eligible have pulled the Lever ➔ **33.40% Turnout**

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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~~ of SOUTHAMPTON
Town
~~Village~~

Local Law No. 36 **of the year 19**99

A local law advocating the closure of the Millstone Nuclear Power Station, requesting the State of New York to petition the United States Nuclear Regulatory Commission to establish a fifty-mile plume exposure pathway emergency planning zone for Long Island in relation to said nuclear power station, requesting the State of New York to undertake a report of the feasibility of an emergency plan for Long Island in relation to said nuclear power station, and requiring a unanimous vote of the Town Board with regard to any Town approval, acceptance, implementation, or appropriation in connection with an emergency plan for said nuclear power station

Be it enacted by the TOWN BOARD (Name of Legislative Body) **of the**

~~County~~
~~City~~ of SOUTHAMPTON **as follows:**
Town
~~Village~~

SEE ATTACHED

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

DOS-239 (Rev. 2/98)

LOCAL LAW NO. 36 OF 1999

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

SECTION 1. Legislative Intent.

The Town Board hereby finds that under Section 20 of the Executive Law, it is the responsibility of the State of New York to protect the public safety of its residents in the event of a natural or man-made disaster, including a radiological accident. Article 2-B of said law provides for the preparation of state and local disaster preparedness plans, including disaster prevention, disaster response, and recovery.

As a result of numerous public meetings held on eastern Long Island, the Town Board finds that the residents of the Town have demonstrated legitimate public safety concerns with regard to the operation of the nuclear electric generating facilities in the nearby State of Connecticut. Specifically, the Millstone facilities in Waterford, Connecticut operate within a distance of 50 miles where one half million New Yorkers reside. The Town of Southampton is within 25 miles of this facility.

Millstone has been closed seven (7) times in recent months and has discharged radioactive water into Long Island Sound. It is clear this facility is not being operated safely and should be closed, pending a complete review of public health and safety issues.

Existing United States Nuclear Regulatory Commission regulations provide for a flexible ten mile emergency planning zone. The exact size and configuration of the emergency planning zone in a particular case will be determined in relation to local emergency response needs and capabilities, including factors such as demography, topography, land characteristics, access routes, and jurisdictional boundaries. These statutory criteria have not been applied to the special circumstances on Long Island as evidenced by the rigid ten mile emergency planning zone for Millstone, which includes only Fishers Island within the State of New York.

In the case of the Shoreham Nuclear Power Station, it was the position of the State of New York and this Town that all of eastern Long Island was required to be included within the emergency planning zone. It was also the policy that there was no safe evacuation plan that could be prepared and implemented that would adequately protect the public safety of eastern Long Island. As a result, the

State of New York entered into an agreement with the Long Island Lighting Company, the operator of the facility, for its closure and dismantling.

The Town Board finds that many of the same emergency response issues associated with Shoreham, are also presented by Millstone. Specifically, the fact that the region is an island whose eastern ends are two long narrow forks presents unique evacuation issues. In addition, the area is characterized as a second home and tourist destination where the population more than triples during the summer months. The region is also immediately adjacent to the New York City metropolitan area with more than ten million people. Finally, its highway system is characterized by a single two lane east-west highway route which would be the only major route for an evacuation.

Based on these findings, the Town Board concludes that (1) Millstone should be closed pending further study, (2) there must be an emergency planning zone of fifty miles from the Millstone facility for Long Island, (3) that the feasibility of a safe evacuation plan must be studied, and (4) that the approval or acceptance of such a plan must be subject to the strictest review.

This local law is subject to a mandatory referendum because it limits the future authority of the elected Town Board.

SECTION 2. Millstone Closure.

The Town Board hereby requests the United States Nuclear Regulatory Commission to close the Millstone Nuclear Power Station until the issues outlined in this local law relating to emergency planning zones and evacuation plans have been addressed and approved by the State of New York and its affected political subdivisions within fifty (50)miles of the Millstone facility.

SECTION 3. Establishment of Fifty Mile Emergency Planning Zone.

The Town Board hereby requests the State of New York to file a petition with the United States Nuclear Regulatory Commission to provide for a fifty (50) mile plume exposure pathway emergency planning zone for the benefit of Eastern Long Island.

SECTION 4. Emergency Planning Feasibility Study

The Town board hereby requests that the State of New York undertake the preparation of a report addressing the

feasibility of a safe and implementable emergency plan for eastern Long Island within the fifty (50) mile radius in connection with the Millstone Nuclear Power Station.

SECTION 5. Unanimous Vote Required

Any action by the Town Board of the Town of Southampton to approve, accept, implement, or appropriate money in connection with an emergency plan in connection with the Millstone Nuclear Power Station will require a unanimous vote of the Town Board.

SECTION 6. Proposition

Pursuant to Section 23(2)(f) of the Municipal Home Rule Law, this local law curtails the power of the Town Board requiring a mandatory referendum. Therefore, the following proposition will be submitted to the electors of the Town of Southampton at the general election to be held November 2, 1999:

"Shall Local Law No. of 1999 entitled ""A LOCAL LAW advocating the closure of the Millstone Nuclear Power Station, requesting the State of New York to petition the United States Nuclear Regulatory Commission to establish a fifty-mile plume exposure pathway emergency planning zone for Long Island in relation to said nuclear power station, requesting the State of New York to undertake a report of the feasibility of an emergency plan for Long Island in relation to said nuclear power station, and requiring as unanimous vote of the Town Board with regard to any Town approval, acceptance, implementation, or appropriation in connection with an emergency plan for said nuclear power station, be approved?"

SECTION 7. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8. Effective Date

This local law shall take effect after voter approval at the general election to be held November 2, 1999 by the affirmative vote of the qualified electors of the Town of Southampton upon the proposition.

(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 19... of the (County)(City)(Town)(Village) of ..... was duly passed by t ..... on ..... 19 ...., in accordance with the applicable provisions of la
(Name of Legislative Body)

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 19... of the (County)(City)(Town)(Village) of ..... was duly passed by t ..... on ..... 19 ..., and was (approved)(not approved)(repassed after
(Name of Legislative Body)

disapproval) by the ..... and was deemed duly adopted on ..... 19..
(Elective Chief Executive Officer)*
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. 36 ..... of 19.. of the ~~(County)(City)~~(Town)~~(Village)~~ of SOUTHAMPTON ..... was duly passed by TOWN BOARD ..... on APRIL 13 19 99, ~~and was (approved)(not approved)(repassed a~~
(Name of Legislative Body)

~~disapproval) by the ..... on ..... 19...~~. Such local law was submit
(Elective Chief Executive Officer)*

to the people by reason of a (mandatory)~~(permissive)~~ referendum, and received the affirmative vote of a majority c the qualified electors voting thereon at the (general)~~(special)(annual)~~ election held on November 2 1999, 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 19 of the (County)(City)(Town)(Village) of ..... was duly passed b ..... on ..... 19...., and was (approved)(not approved)(repassed
(Name of Legislative Body)

disapproval) by the ..... on ..... 19 ... . Such local law was subje
(Elective Chief Executive Officer)*

permissive referendum and no valid petition requesting such referendum was filed as of ..... 19.... , in accordance with the applicable provisions of law.

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

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 19.... of the City of ..... having been submitted to referendum pursuant to the provisions 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..... 19...., 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 19.... of the County of ..... State of New York, having been submitted to the electc at the General Election of November ..... 19...., 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 ci ies 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 sam is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner dicated in paragraph #3, above.

Marietta M. Seaman

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

MARIETTA M. SEAMAN, TOWN CLERK

(Seal)

Date: NOVEMBER 15, 1999

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SUFFOLK

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedi have been had or taken for the enactment of the local law annexed hereto.

Lisa Clare Kombrink

Signature

LISA CLARE KOMBRINK, TOWN ATTORNEY

Title

~~County~~
~~City~~
Town of SOUTHAMPTON
~~Village~~

Date: NOVEMBER 15, 1999